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DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 4577, which the clerk will report.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4577) ''making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes'', having met, have agreed: that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same; that the House agree to the title of the bill, with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of today, December 15, 2000.)

Mr. STEVENS. Mr. President, the fiscal year 2001 Labor/HHS Appropriations Conference Report is now before the Senate.

This conference report serves to wrap up work on all fiscal year 2001 appropriations bills, as it includes the Treasury-General Government and legislative branch bills. Those two bills were previously passed by the Congress, but were vetoed by the President.

The only significant change to the bills previously passed by Congress is the deletion of the telephone tax provision in the Treasury bill. The conference report includes other appropriations matters, which emerged subsequent to the completion of the other fiscal year 2001 bills.

Significant items include $150 million for repair of the U.S.S. *Cole*, $100 million for intelligence activities requested by the White House, $110 million for the new markets initiative, $100 million for volunteer firefighter grants sought by our colleague from Delaware, Senator ROTH, and $100 million for the Library of Congress to enhance the National Digital Library.

I want to also thank all my colleagues for their patience as I worked with the White House for a compromise on the Alaskan Fishery/Sea Lion protection issue. Through the hard work of many here in Congress and at the White House, OMB and the Department of Commerce, we achieved a compromise that meets the priorities of all parties—who share the goal of protecting the sea lion population, and the economic well being and viability of the commercial fishing industry in my State.

There are many specific issues that I could comment on today, but I had the opportunity to brief members of this side of the aisle at a conference this afternoon, and the bill is available in the Cloakroom for review.

I urge all my colleagues to support this conference report, which completes the work of this Congress, during this Congress. Next month, when the 107th Congress convenes, and a new President is inaugurated, they will both start with no carryover from this Congress.

Mr. BYRD. Mr. President, as has been the case on far too many occasions in the past number of years, the Senate finds itself today in the position of having to deal with a massive omnibus appropriations bill. We have had to pass a record number—21—of Continuing Resolutions in order to keep the Federal Government operating since the fiscal year began on October 1st. These Continuing Resolutions were necessary because we in the Congress and the Administration could not resolve our differences on a myriad of issues, most of which have not involved funding levels at all. Rather, the haggling for the past many weeks has been over issues such as ergonomics regulations, immigration, and certain regulatory matters; all of which would be more appropriately handled by the authorizing committees with jurisdiction over them. Instead of following the established practices and the regular

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

order of enacting the thirteen annual appropriations bills, we have in recent years, chosen to delay appropriations bills until it is too late to do anything other than to package them in a manner that causes such packages to be used as vehicles for all manner of non-appropriations issues. This has necessitated the adoption of late-year omnibus appropriations packages well after the start of the fiscal year, such as the one before the Senate today. This is a practice that should never have been started and which, if not discontinued, I fear will gravely diminish the Senate as an institution. Senators are being denied the right to debate and amend appropriations bills, all of which contain billions of taxpayer dollars, and literally thousands of funding issues affecting their constituents. Instead, we are being presented with unamendable omnibus appropriations packages, which contain many, many matters that have not had any Senate consideration at all. In the next Congress, the 107th Congress, we should strive mightily, on a bipartisan basis, to return to regular order in taking up each of the thirteen annual appropriations bills. The Appropriations Committee has marked up each of the thirteen appropriations bills in a timely manner every year under our distinguished Chairman, Senator STEVENS. He is indeed masterful in his handling of appropriations matters and he is very knowledgeable on the issues that come before the Appropriations Committee. He is also one who leads the Committee in a bipartisan manner at all times. He gives the same consideration to requests of Members of the Committee on both sides of the aisle, and I am honored to serve as Ranking Member of the Committee under his chairmanship. It has not been the fault of TED STEVENS that the appropriations bills have, too often, been lumped together into omnibus packages, such as the one before the Senate.

In an effort to facilitate a return to the regular order in the Senate's handling of the thirteen annual appropriations bills, I was pleased to have the support of both Leaders, Mr. DASCHLE and Mr. LOTT, in my amendment to the Commerce/Justice/State Appropriations bill for Fiscal Year 2001 to restore Senate Rule XXVIII, Paragraph 2. That provision makes it out of order for extraneous matters to be included in conference reports. Several years ago, in connection with the Senate's consideration of an FAA conference report, the Senate voted to overturn the Chair when it ruled that there was extraneous matter in that conference report. The effect of that vote to overturn the Chair was to negate Rule XXVIII, Paragraph 2. Consequently, it has not been out of order for any matter to be inserted in any conference report since that time. Upon enactment of the Commerce/Justice/State Appropriations bill, and as a result of my amendment thereto,

Rule XXVIII, Paragraph 2 will be restored. This will mean that in the 107th Congress, it will not be in order for extraneous matters to be placed in a conference report. Upon a point of order's being made in that regard, if sustained, such a conference report will be rejected. I believe that restoration of this rule will go a long way toward eliminating these annual omnibus appropriations measures that the Senate has had to deal with in the past several years and is again being asked to adopt here today.

Having said that, Mr. President, I shall vote for the pending conference report. It contains the Fiscal Year 2001 appropriations bills for the Departments of Labor, Health and Human Services, and Education, for the Department of the Treasury and General Government, and for the Legislative Branch. By far, the largest of these appropriations bills is the Labor/HHS Appropriations bill.

In the agreement reached on the Labor/HHS bill, the funding totals some $108.9 billion in budget authority for Fiscal Year 2001. This is an increase of almost $12 billion from last year and represents the largest ever one-year increase for the Labor/HHS Appropriations bill. This amounts to more than a 12 percent increase above last year's level, and will enable funding levels for education to be increased by almost 15 percent, including an appropriation of more than $1 billion for a new school renovation program. The Labor/HHS Appropriations bill also includes critical funding for many health programs such as the Ryan White AIDS program, NIH, child immunization, substance abuse prevention, and mental health programs. All of these programs are funded at levels substantially higher than last year. As Members are aware, the bill also funds the Head Start program, and the low income home energy assistance program, LIHEAP. I recognize that a number of Senators believe that we should have insisted upon even higher levels for the Labor/HHS bill. While I might agree with those Senators, and although a tentative agreement in October would have funded the Labor/HHS Appropriations bill at a level of over $112 billion, that agreement fell through over a legislative rider involving ergonomics.

After weeks of haggling over the ergonomics issue, as well as other issues such as immigration, and overall funding levels, I feel that we have no other choice than to accept this compromise that is before the Senate today. As I say, it does not fully please any Senator. I am sure there are some who feel that the funding levels are too high; but the time has long since passed for us to complete our work and get this final appropriations package to the President's desk.

In addition to the Labor/HHS Appropriations bill, this package contains funding for the Legislative Branch, and the Department of the Treasury and General Government, which measure funds a number of programs for law enforcement, as well as the U.S. Customs Service—the federal agency with responsibility for border patrol and enforcement of our immigration laws.

There is also a division of this omnibus package that includes a number of non-appropriations matters. Those matters were considered carefully by Chairman STEVENS, Chairman YOUNG, Mr. OBEY and myself, at the request of Members of the House and Senate. There were many more such matters that were considered, but were not included in this final package.

Finally, the package contains a division relating to tax matters, including the so-called Balanced Budget Act, BBA, Medicare fix. Those tax matters were inserted into the omnibus package by the Leadership, and they fall into the jurisdiction of the Ways and Means and Finance Committees. Accordingly, we Appropriations Members were not involved in that process.

In conclusion, Mr. President, I urge my colleagues to vote for this conference agreement. Despite its having all the flaws that we have seen in previous omnibus appropriations bills, the time has come to finish the work of the 106th Congress. In that way, we will have a clean slate for the new Congress, the 107th Congress, when it convenes on January 3rd, and for the new Administration, when our new President, George W. Bush, is sworn into office on January 20th.

While I recognize that there are those who predict a continuation of the gridlock that we have seen in the recent past, or perhaps greater gridlock in the next Congress, as it struggles to work with the Bush Administration; I hope and believe that there will be unprecedented opportunities for bipartisan efforts to prevail in solving the Nation's most pressing problems; to maintain a vital national defense, and to find solutions which ensure that our Medicare and Social Security programs can sustain the promised for our citizens over the coming century. I am optimistic that the new Congress will be prepared to work with the Bush Administration. I know that the overwhelming number of Members of the House and Senate, on a bipartisan basis, join me in pledging our best efforts to do so, and our good faith commitment to achieve results in these critical areas, on behalf of the American people.

Mr. STEVENS. Mr. President, after protracted negotiations, the Administration and I have reached an agreement that provides the necessary protections for the Steller sea lion while allowing for the needs of fishermen who depend on the robust and healthy groundfish stocks off Alaska. I believe the Senate knows my personal feelings, and the feelings of practically all those who are involved in the harvesting, processing, and subsequent marketing of the millions of tons of seafood that come from the North Pacific and Bering Sea, on this matter. While we recognize that the Steller sea lion deserves protection, we are not convinced

that the Commerce Department has proven, let alone adequately tested, its hypothesis that fishing contributes to the sea lions' decline. A few minutes spent skimming the biological opinion reveals the lack of science underlying the proposed actions it contains. For example, the Commerce Department states in its biological opinion that it does not know if fishing impacts sea lions, or that sea lions would likely continue to decline even if all fishing were halted.

Nonetheless, the lives of our fishermen will continue to be affected by this opinion. Our agreement provides a three-step phase-in process for fishery restrictions proposed to be implemented by the National Marine Fisheries Service (NMFS) in the Alaska groundfish fisheries under Endangered Species Act (ESA) requirements. This section is intended to lessen the negative economic consequences to the fishing community caused by the restrictions and to ensure that any Steller sea lion protective measures do not create negative consequences for the conservation of the fisheries and ecosystem. This is accomplished by requiring the Secretary to rely on the fishery management provisions in the Magnuson-Stevens Act, including the regional council processes, when implementing reasonable and prudent alternatives under the Endangered Species Act.

Unfortunately, work on this provision was not completed until shortly before the conference agreement was filed on the final day of this session. I ask unanimous consent that the section-by-section analysis of this provision be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Subsection (a) includes findings by Congress concerning the decline of the Steller sea lion and need for scientists to study the relationship between commercial fisheries and sea lions. It also includes findings confirming that the authority to manage federal fisheries lies with the regional councils created under the Magnuson-Stevens Act. It clarifies that the Secretary is required to comply with, and use the procedures established under, the Magnuson-Stevens Act when implementing measures to comply with the Endangered Species Act. This finding recognizes that the Administration should not use the Endangered Species Act to implement fishery management measures without respect to the Magnuson-Stevens Act, particularly the processes by which the councils develop, review, and promulgate fishery management measures. The appropriate forum to develop fishery management measures, including those measures necessary to protect threatened and endangered species, are the regional councils.

Subsection (b) requires the North Pacific Fishery Management Council to conduct an independent scientific review of the November 30, 2000 biological opinion (hereafter the ''Opinion'') issued by NMFS for the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries, drawing upon the expertise of the National Academy of Sciences. This subsection reflects the Congress's deep concerns over the validity and objectivity of the science relied on in the biological opinion and the process by which the Commerce Department developed this opinion. It directs the Secretary of Commerce to cooperate with the North Pacific Council's scientific review, and requests the National Academy of Sciences to give the review its highest priority.

Subsection (c)(1) directs the Secretary to submit proposed Magnuson-Stevens Act fishery conservation and management measures to implement the reasonable and prudent alternatives (RPAs) to the North Pacific Council immediately or as soon as possible, and then tasks the Council with preparing a fishery management amendment or amendments under the Magnuson-Stevens Act to implement such conservation and management measures. While the amendments must implement the measures necessary to protect sea lions and, it is equally important that such measures provide for the conservation and safe conduct of the fisheries, as required in the Magnuson-Stevens Act. Congress remains concerned that the proposed closures would have forced small vessels to fish in dangerous waters during the winter storm season, a prospect specifically commented upon by our Coast Guard.

Subsection (c)(2) requires the RPAs, as developed by the North Pacific Council under subsection (c)(1), to become effective on January 1, 2002. To address Congress' concerns about the objectivity and validity of the scientific conclusions of this opinion the opinion must incorporate changes warranted by the scientific review required under subsection (b) or other new information that comes to the Secretary or Council's attention. The Council and Secretary are directed to jointly develop a schedule for the development of FMP amendment or amendments to implement the RPAs beginning in the 2002 fisheries. Subsection (c)(2) specifies that the RPAs shall not go into effect immediately, but shall be phased in according to subsection (c)(3) during the 2001 fisheries.

Subsection (c)(3) requires the 2001 Bering Sea/Aleutian Island and Gulf of Alaska groundfish fisheries to be managed in accordance with the regulations promulgated for the 2000 fisheries prior to the issuance of the July 19, 2000 court injunction in those fisheries (which has since been lifted). The 2000 regulations provide substantial protections for Steller sea lions, while maintaining the comprehensive and proven framework that has protected the marine resources of the North Pacific and been fine-tuned for more than two decades. These regulations for the first months of the 2001 fisheries are to be implemented by emergency rule so that the fisheries can begin by January 20, 2001.

Subsection (c)(4) requires the Secretary of Commerce to amend regulations based on the 2000 regulations, but which are consistent to the extent practicable with the RPA's, by January 20, 2001. The Secretary is to consult with the North Pacific Council in preparing these draft regulations, with the goal of incorporating some of the protective concepts in the RPAs for these regulations, in time for the fisheries to open no later than January 20, 2001. Under paragraph (7) of subsection (c), the draft regulations amended upon the recommendation of the North Pacific Council until March 15, 2001. As soon after March 15, 2001 as possible, the Secretary of Commerce will publish and implement the regulations, and these regulations shall then govern the Bering Sea/Aleutian Island and Gulf of Alaska fisheries for the remainder of 2001, consistent with all the requirements of the Magnuson-Stevens Act. It is our intent that the Secretary provide ample opportunity for the public to comment on these regulations before the regulations take effect.

Subsection (c)(5) requires that the ''Global Control Rule'' from the RPA's take effect immediately in the fisheries, this is particularly important during the period during the Spring and/or early summer of 2001 when the fisheries are being managed under the 2000 regulations. Paragraph (5) modifies the Global Control Rule during 2001 to limit any reduction to not more than ten percent of the total allowable catch in any of the fisheries.

Subsection (c)(6) provides the North Pacific Council with the authority to recommend, and the Secretary of Commerce with the authority to approve, modifications to the RPAs contained in the regulations that will take effect in the Spring or early-summer of the 2001 fisheries. These modifications may include the opening of additional designated Steller sea lion critical habitat for fishing by small boats, the postponement of seasonal catch levels inside critical habitat for small boats, or other measures to ensure that small boat fishermen and on-shore processors in Alaska are not adversely affected during 2001 as compared to the fisheries before the July 19, 2000 injunction. This was specifically agreed to by both the Congressional and Administration negotiators to allow coastal Alaskan fishermen to fish in the safer waters closer to shore.

Subsection (d) appropriates $20 million to the Secretary of Commerce to develop and implement a comprehensive research and recovery program for the Steller sea lion, and to study the myriad of factors which may be causing the decline of the Steller sea lion. Subsection (d) specifically requires that the theories of nutritional stress, localized depletion, and food competition with the fisheries be tested to determine their validity. This subsection also directs the Secretary of Commerce to implement non-lethal measures on a pilot basis to protect Steller sea lions from marine mammal predation, including killer whales, and to determine the extent to which predation may be causing the decline or preventing recovery. The Secretary is strongly encouraged to cooperate with the Alaska SeaLife Center, the North Pacific Universities Marine Mammal Consortium, the University of Alaska, and the North Pacific Council in the development and use of these funds. The Alaska SeaLife Center should receive $5,000,000 of these funds to continue their important work on Steller sea lion science.

Subsection (e) provides $30 million as a direct payment to the Southwest Alaska Municipal Conference to distribute to the fishing communities, businesses, western Alaska community development quota program groups, individuals, and other entities that have been hurt by the economic losses already inflicted as a result of Steller sea lion restrictions. The President of SWAMC is required to submit a written report to the Secretary of Commerce and the U.S. Senate and House appropriations committees within six months after receiving the funds to indicate how they have been distributed.

Mr. BYRD. Mr. President, in these waning days and hours of the 106th Congress, the focus in Washington is naturally on what action is taking place to resolve the remaining fiscal year 2001 appropriations bills and concluding the business of this Congress. However, all around us, life goes on. Our constituents in the steel industry must be among the few in America who will not be happy to see the 106th Congress adjourn sine die. Our constituents in the steel industry will see Congress's adjournment as a thinning of the bucket brigade that has spent the last two years trying to bail out an

industry being flooded by cheap, illegally dumped steel. These people, our constituents from Weirton and Wheeling, West Virginia, from Pennsylvania, Illinois, Alabama, Maryland, Utah—their arms are tired, their voices hoarse from the effort of keeping their heads above water and shouting for help. As we look forward to adjournment, they are continuing to face a flood whose undertow threatens to pull them under. Today, as a result of this continuing crisis in steel, imports make up almost 40 percent of the U.S. market, compared to a historical rate of approximately 18 percent.

Congress has tried to respond. Members have supported individual companies and groups in filing trade cases with the Administration, attempting to use our anti-dumping and countervailing duty laws as they were intended, to thwart illegal actions by foreign competitors. Members of Congress, myself included, have introduced, supported, and fought for passage of legislation to help this core American industry. But the flood of illegally dumped steel continues, fed by the Asian economic crisis, the failure of the Russian economy, and foreign competitors seeking to gain a competitive edge with the help of illegal government subsidies. When one trade case is filed with regard to one type of steel, these competitors switch to another type of steel, forcing affected U.S. companies to bear the cost of their sales losses combined with the cost and time of collecting data and building their legal cases. The overall effect is to grind small companies down to the verge of collapse.

In 1977, there were 16,961 steelworkers on the payroll in West Virginia. In March 2000, there were just 6,857, a loss of 10,104 good-paying jobs. That's a 60 percent loss. So you understand why I am concerned. The national picture is no brighter. In 1980, there were 1,142,000 workers nationwide in the primary metals industry, which includes steel. As of September 2000, that total employment number had dropped to just 692,000, a drop of approximately 39 percent.

In the last two years, thousands of steelworkers have been laid off, some for considerable periods. Six steel companies have declared bankruptcy since 1998. But total steel imports in 2000 will be over 2½ times higher than in 1991. Total steel imports through August 2000 are 17 percent higher than over the same period in 1999 and are greater even than imports over the same period in 1998, a record year. At the same time, steel prices continue to be depressed, with hot-rolled steel prices 12 percent lower in August 2000 than in the first quarter of 1998, and average import customs values for all steel products more than 15 percent lower over the same period.

Is this how we want to end an era of American history? Do we want to watch the linchpin of the American industrial revolution—our steel industry—be felled by government subsidized foreign competition, aided and abetted by indifferent application of the very trade laws implemented to protect American companies and American workers from illegal competition? I certainly hope not. When our crippled Aegis destroyer, the ill-fated U.S.S. *Cole*, is brought home for repairs, I would like American steel to bind up those wounds. I don't want to be dependent on foreign sources of steel for critical national defense needs. During World War II, I was a welder, helping to build the ships that supported our forces in that war. Today, I am a legislator, and I want to help the industry that supports our forces in war and in other critical missions.

I had prepared a resolution, cosponsored by Senators SPECTER, ROCKEFELLER, ABRAHAM, BAUCUS, BAYH, DEWINE, DURBIN, HOLLINGS, KOHL, LEVIN, LINCOLN, LUGAR, MIKULSKI, SANTORUM, SARBANES, SCHUMER, SESSIONS, SHELBY, THURMOND, VOINOVICH, and WELLSTONE, that would be a Senate companion to H. Res. 635. H. Res. 635 was introduced on October 18, and currently has 237 cosponsors. This resolution would call upon the President to take all appropriate action within his power to provide relief to the steel industry injured by these unfair actions of our trading partners. It would request an immediate and expedited U.S. International Trade Commission investigation for positive adjustment under Section 201 of the Trade Act of 1974. I am pleased that my resolution was, instead, accepted and included in the conference report to accompany the Labor/HHS appropriations bill.

This action by the Administration is necessary. We need a broad-based, comprehensive approach to dealing with this crisis in the domestic steel industry. Fighting this war one skirmish at a time, on one product type at a time by one company at a time, is simply and slowly bleeding our steel companies dry. We cannot let them continue to pick our steel companies off one at a time. We need to put the full weight of our attention and our resources on dealing comprehensively with this matter. We need to be vigilant across all fronts, and we need to develop longer strategic vision if we are to preserve this vital domestic industry.

We need a level playing field. I have no doubt that American steel companies can compete on a level playing field. But they cannot compete against steel that is priced at or below the cost of production by foreign companies subsidized by governments who seek not only to preserve their own steel production capacity, but to profit by gaining U.S. market share and putting our companies into bankruptcy. I am, unfortunately, confident that the International Trade Commission's investigation will find that the steel crisis of 1998 is far from over. In fact, steel imports are on track to match or possibly exceed the record figures of 1998. So, sadly, our domestic steel producers should have no problem meeting the stringent standards of proof required under section 201 of the Trade Act of 1974 to prove that an injury has or can be expected to occur.

I commend the many Members of the Senate who join me in calling for this action to be taken, for standing up for steel and the men and women and families who depend on steel jobs. I also commend the Senate for including this provision in this bill. I urge the Administration to proceed immediately to initiate a Section 201 investigation of steel dumping. It is urgently needed.

Mr. MCCAIN. Mr. President, 70 days and 20 continuing resolutions after what was supposed to be our October 6 adjournment date, the 106th Congress is coming to an end. Let us hope the upcoming New Year brings with it a renewed spirit of bipartisan cooperation.

This year, such cooperation took a back seat to partisan bickering and ill-advised parliamentary tactics that had the effect of further polarizing this body. How many mornings did Americans awake to newspaper headlines reporting that Congress and the president still, weeks and months after we were to adjourn, had not finished their work?

There are many good provisions in the legislation soon to be sent to the President and I want to thank all those who put in long hours to bring this Congress to a close. I am particularly supportive of the Medicare changes that will strengthen the quality of health care for our seniors.

In 1997, Congress made some difficult, but necessary, changes in the financial structure of the Medicare system as part of the Balanced Budget Act. These changes were needed to preserve and protect the system and delay its impending bankruptcy from 2001 until 2015, while also increasing choice and expanding benefits for beneficiaries.

Despite the changes, there has been increasing concern that certain reimbursement reductions and caps contained in the Budget Act are resulting in access problems for our seniors. Personally, I have grown concerned about the potentially negative impact on the delivery of health care in our rural communities and for our most frail elderly if we do not make certain adjustments.

I am also pleased this legislation addresses many of the concerns raised by my constituents and the Arizona health care community. This proposal improves senior health care by increasing access to critical preventative benefits—including bi-annual pap smear screenings and pelvic exams, glaucoma screenings, colon cancer screening, and medical nutrition therapy for patients with diabetes and renal disease. Rural hospitals are strengthened by updating reimbursement policies and increasing access for seniors to emergency and ambulatory services in rural areas. And this legislation significantly lowers co-payments for out-patient hospital visits.

I am also pleased that Native Americans will not be overlooked in this legislative package, but instead will receive an economic boost through equitable treatment of tribal governments for unemployment tax purposes, a change to the tax law that I have been advocating for nearly a decade. An important stimulus to economic development in Indian country is to provide employment tax credits and incentives, including unemployment compensation benefits. This change to the Federal Unemployment Tax Act, FUTA, will correct an uneven interpretation in the tax law by finally including tribal employees in the Nation's comprehensive unemployment benefit system.

Unfortunately, I must oppose this legislation for a variety of reason. Once again, I must object to the pork barrel spending in this year-end legislative package and in all of the appropriations bills that have become law. Regrettably, the process that got us to this point led to what a New York Times headline aptly characterized as ''The Politics of the Surplus.'' In other words, we paved our way home by spending billions of taxpayers' dollars on budget items that never went through a merit-based review process.

In the run-up to this final agreement, over $24 billion in pork barrel spending (a list of this spending may be found on my Senate Web site) was doled out and that figure will surely climb once we get a good look at the bills before us. Mr. President, our appetite for pork barrel spending was so large this year, in fact, that NBC News highlighted our feast on their Nightly News segment, ''The Fleecing of America.''

Who among us will ever forget the 1.5 million taxpayer dollars we have already approved to restore ''a 56-foot iron rendition of the Roman god of fire and metalworking, Vulcan''?

Or the $1.5 million for sunflower research?

Or the $400,000 for the Southside Sportsman Club?

Or the $250,000 to develop improved varieties of potatoes''?

Or the $100,000 for the ''Trees Forever Program''?

Or the $176,000 for the Reindeer Herders Association?

Or Or the $5 million for insect rearing?

But, there is more to come in this year-end budget deal, which has at least $1.9 billion in pork. For instance, in the Conference Report for the Commerce, State, and Justice Appropriations bill, some examples of earmarks having never undergone the appropriate merit-review process include: $3 million for Red Snapper research, $1 million for Hawaiian coral reef monitoring, $500,000 for the California Ozone study, $200,000 for the Kotzebue Sound test fishery for king crab and sea snail, $600,000 for fall chinook rearing for the Columbia River hatcheries program, $750,000 for bottle-nosed dolphins, $3,338,000 for sea turtles, $1 million for winter pollack survey in Alaska, $1 million for the implementation of the National Height Modernization, NHM, system in North Carolina, $300,000 for research on the Charleston bump, and $150,000 for lobster sampling.

The pork barrel spending adds up. Look at the numbers.

Last spring, Republicans outlined our spending plans calling for about $600 billion in so-called discretionary spending—that is, spending on programs other than Social Security, Medicare, and interest on our $5.7 trillion debt. The President's budget requested about $623 billion in discretionary spending. We'll end up spending in the neighborhood of $650 billion—some $100 billion over the discretionary spending caps set by the 1997 Balanced Budget Act.

According to Robert Reischauer, former head of the Congressional Budget Office, this will be the third year in a row in which the budget, excluding Social Security, ''has been in surplus.'' The last time this happened, Reischauer says, was over 70 years ago. This is why I believe, Mr. President, we should take advantage of our robust economy and make significantly paying down our national debt one of our top priorities.

I must also once again express my disappointment over the narrow scope of the immigration provisions contained in this bill. I support the Latino and Immigrant Fairness Act, LIFA. Negotiations between the White House and the leadership, which endorsed more limited immigration reform, have resulted in a compromise that makes progress but falls far short of the Fairness provisions we never had a chance to vote on.

In particular, this bill makes meaningful but insufficient progress on amnesty for those wrongly denied it, and does not address legitimate concerns about Central American refugee parity. Fortunately, negotiators have agreed to temporarily restore Section 245(i), which allows immigrants with family or employer sponsors to adjust their status in the United States, rather than return to their countries of origin and face the threat of 10 years of separation from family and work in the United States before returning. This bill also contains important provisions encouraging family unification through the creation of several new visa categories. That said, it will fall to supporters of the Latino and Immigrant Fairness Act in the 107th Congress to advance that bill's intent to allow long-term residents who have developed deep roots in our country and contributed to our economy for many years to remain legally, and to establish parity for Central American and other refugees not afforded the same status as refugees from other, similarly troubled countries. I am sorry we could not have better addressed these concerns in this bill, but I appreciate the progress we are making and hope that we can take up these issues during the 107th Congress.

I remain optimistic, Mr. President, that we will be able to work together in the 107th Congress to accomplish great things.

We all should be proud of the recent election. Obviously, it wasn't perfect. Democracy never is. Yet, major issues important to all Americans were discussed and debated. In fact, a post-election survey by Pew Charitable Trusts found that a high percentage of voters believed there was ''more discussion of issues than four years ago.'' And 83 percent of voters said they learned enough ''to make an informed choice.''

No doubt voters have different opinions on how we should deal with these issues. But, they did not disagree on which issues need to be tackled by Congress and our President.

In national pre-election polls, Americans consistently ranked Social Security, health care, and education among the issues they worry most about. But they also know that little gets done because too much special-interest money is infecting our political process, resulting in the kind of gridlock we have witnessed over the last year. A Newsweek poll found nearly 60 percent of Americans agreeing with the statement that political contributions have ''too much influence on elections and government policy.'' Only ten percent disagreed.

The way we do business must change.

If we have the will, we can begin to repair Americans' cynical perception of our government by working together, in bipartisan fashion, on campaign finance reform, a real Patient's Bill of Rights, Social Security reform, and badly needed reform of the tax system.

We must also do our work in the open with due process and appropriate discussion.

This is why, I must also object to a provision inserted by Senator INOUYE, who has once again gone to great lengths to provide protectionist legislation to the lone U.S. operator of large cruise ships in Hawaii. In the 106th's closing hours, the Senator has had a legislative provision inserted in the final appropriations measure that will prohibit any cruise ship operator from allowing gaming on board any vessel that departs from and returns to Hawaii. This provides American Classic Voyages with the protection they need to keep other cruise operators who depend on gaming to attract passengers and provide an additional revenue stream from entering the Hawaii market and prohibit other vessels currently departing from other U.S. port cities from sailing among the Hawaiian islands. In the end, the American consumer is the loser.

While Hawaii law currently prohibits any gaming within the state, including its waters, U.S., state, and international law allows gaming on vessels more than three miles from shore. I have no argument against Hawaii's gambling prohibition. But the amendment authored by Senator INOUYE is aimed at keeping planed operations by international cruise operators out of Hawaii and preserving the monopoly

created for American Classic Voyages as part of special interest legislation he sponsored and which became law in 1998. The language will result in fewer large cruise ship operators serving the Hawaiian Islands and drastically restricting consumer choice for cruise vacations in Hawaii.

What is most amazing is this measure, like so many others in this bill, was never discussed publicly, with the administration, or with any Committee of jurisdiction in Congress. This type of closed door, special interest legislation should concern every Member. To deny the American public the freedom of choice in cruising vacations and restrict international trade without one moment of debate is very troubling.

In light of this and other such inappropriate legislating, we must enact institutional reforms to put an end to the rampant abuse of the budget process.

If we are to hold any hope for reforming the budgetary process in this body, fundamental changes to the rules governing the appropriations process must be made. The two Rules of the Senate designed to impose discipline on the appropriations process are Rule 16, and Rule 28. Rule 16 is designed to block legislative riders on appropriations bills coming out of Committee, and Rule 28 is designed to accomplish the same goal on Conference Reports. Unfortunately, due to the fact that Rule 16 points of order only require a simple majority to over-rule the Chair, it has proven ineffective in stripping riders. And, as we all know, Rule 28 is effectively moot at this point.

As such, when the Senate reconvenes next year, it is my intention to offer an amendment to the Rules of the Senate designed to toughen Rule 16, and to reaffirm and toughen Rule 28. This amendment would do the following:

Rule 16 would be modified to require a three-fifths vote to over-rule a point of order against a legislative item inserted into a general appropriations bill by the appropriations committee. Further, a single point of order may be raised against each legislative item, and each point of order would be debatable and subject to a roll call vote.

Rule 28 would be modified, blocking Conferees to a general appropriations bill from inserting in their Report any matter not committed to them by either House, or striking from the bill matter agreed to by both Houses. Conferees to a general appropriations bill would be prohibited from increasing an appropriation for any item committed to them by either House to a level exceeding the highest appropriated level for such item presented to them by either House, and reducing an appropriated level for any item committed to them below the lowest appropriated level for such item committed to them by either House.

Further, Conferees to a general appropriations bill would be restricted from modifying any item committed to them by either House where such modification is not germane to the item being modified. In any case, no matter may be inserted into the Report that is not germane to the general appropriations bill committed to the Conferees.

The result of these changes would be to impose a strict ''scope of conference'' rule on appropriations Conferees.

A point of order may be made by any Senator against any general appropriations bill Conference Report for any violation of the restrictions set forth by this rule. In such cases where a single restriction has been violated more than once within a Conference Report, or where more than one restriction has been violated within a single Conference Report, each violation may be treated individually, and may be subject to a specific point of order. In the event that a single, or multiple points of order, are made against a general appropriations bill Conference Report for reasons set forth under these new restrictions, a three-fifths vote of the Senate is required to over-rule the Chair. Each appeal of the ruling of the Chair of each respective point of order is debatable and must be voted on separately.

Mr. President, before I end, I want to wish everyone a happy holiday season and New Year.

Mr. LAUTENBERG. Mr. President, I would like to take some time to discuss the importance of investing in our Nation's high-speed rail infrastructure.

We have what could fairly be termed a looming transportation crisis in the United States. Business and personal travelers are overwhelmingly relying on air travel to get from city to city, and the system is plagued with delays and congestion which is not only undermining people's personal plans but also harming the business community.

Air travel has become so inconvenient and unreliable, the public needs alternatives. According to the Federal Aviation Administration, aviation delays increased 58 percent between 1995 and 1999. And to add to passengers' frustration, the average delay is getting longer each year—averaging 50 minutes in 1999.

Even worse, flight cancellations increased 68 percent over that same period—1995—1999. Overall, nearly one in four flights was either delayed or canceled in 1999.

The summer of 1999 was the most delayed summer in aviation history. That is until this summer, which blew past last year's delay record.

The number of delays, the number of cancellations, and the length of delays all have continued to go up so far in 2000. And consumer complaints more than doubled in 1999 and are up almost another 50 percent so far this year.

With aviation travel expected to increase more than 50 percent over the next decade, we have a crisis looming.

The Federal Aviation Administration estimates that boardings will increase to 917 million by 2008. Our current aviation system can't handle this demand.

Fortunately, we have a solution to this problem right before our eyes. A solution that we have ignored and neglected for too long—high-speed passenger rail.

Nineteen of the 20 most-delayed airports in the United States are located on potential high-speed corridors. And high-speed rail can provide a competitive travel alternative, particularly over distances less than 500 miles.

The situation on our roads is almost as dire as the problems in our skies. One study estimated that $72 billion dollars was lost in 1997 as a result of traffic congestion through lost productivity and wasted fuel. And this situation continues to deteriorate. People now spend 50 percent more time stuck in traffic than they did in 1990 and triple the time they did in 1982.

Critics have complained about Amtrak receiving $23 billion federal subsidies since 1971. But this is pocket change compared with the funding we have provided other modes over that same period. Since 1971, we have spent over $160 billion on aviation programs and over $380 billion on highways.

The High-Speed Rail Investment Act can is the vehicle for giving Americans more transportation options. This legislation would allow Amtrak to sell $10 billion in high-speed rail bonds over ten years. The Federal Government would leverage private sector investment in our rail infrastructure by providing tax credits to bondholders.

States would be full partners in this effort and would have to put up a 20 percent match which would go into an escrow account to be used to repay the bond principal.

These funds would enable high-speed rail projects to go forward in the Midwest, the Southeast, the Gulf Coast, and along the Pacific Coast.

And it would allow us to finish the Northeast Corridor high-speed rail project.

High-speed rail means better, faster, more competitive rail service. It means a comfortable travel alternative to those who want to avoid congested highways and cramped and delayed planes.

The High-Speed Rail Investment Act, S. 1900, is supported by a bipartisan group of 57 Senators representing all regions of the country. And companion House legislation, H.R. 3700, introduced by Congressmen AMO HOUGHTON and JAMES OBERSTAR, now has over 150 cosponsors.

Our Nation's governors, state legislators, and mayors understand our transportation problems and see high-speed rail as a vital part of the solution to our transporatation woes. Newspapers from across the Nation have come out in support of investing in high-speed rail.

Mr. President, the benefits of High Speed Rail Service are clear. High-speed rail is the future of transportation in America. We cannot maintain a productive and efficient transportation system without modernizing our

rail infrastructure and providing a competitive alternative means of transportation on our rails.

I am therefore pleased that I have the commitment of my colleagues to provide resources for high speed rail next year. While I won't be in the Senate, I know the Senator from Delaware and other colleagues will work relentlessly toward this goal.

Mr. HATCH. Mr. President, as the Senate considers the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000, I want to take this opportunity to comment about several of the provisions included in the bill. This bill contains many important health care provisions affecting both Medicare providers and Medicare beneficiaries. Accordingly, I am delighted that a final agreement has been reached with the White House on these provisions and that the measure is now ready for passage.

I also want to take this opportunity to commend the distinguished Chairman of the Finance Committee, Senator ROTH, for his leadership and persistence over the past several months in moving this critically important legislation. On a personal note, I would be remiss if I did not say that I will miss my colleague and good friend BILL ROTH. I am very sorry that he will not be returning to the next Congress to continue the work on which he has labored for so many years.

BILL ROTH has made a real difference to Americans—he was one of the original believers in across-the-board tax cuts. President Reagan seized on this idea as the way to get our nation out of ''stagflation.'' The tax policy worked and produced one of the longest periods of prosperity in history. BILL ROTH was also a father of the individual retirement account, which is a simple way that Americans can help themselves save for retirement. Senator ROTH worked tirelessly over the years to expand IRAs, make them even more available and more workable. I greatly admire BILL ROTH's understanding of the tax code and tax policy, and we are going to miss his continued contributions to this complex issue area.

But, Chairman ROTH has also been a champion on the Finance Committee and in the Senate for his commitment in addressing the critical structural and financing problems facing the Medicare program. Indeed, his work over the past several years as Chairman of the Finance Committee has dramatically improved the prospects that meaningful Medicare reform can be accomplished, in a bipartisan fashion, in the next Congress. Moreover, because of his efforts, the foundation has been laid for a workable and much-needed Medicare drug benefit that I am hopeful Congress will enact with the leadership of President-elect Bush.

For now, I would like to comment briefly on several provisions which I authored, or strongly supported, that are included in this legislation.

First, I am pleased the legislation contains provisions to create a prospective payment system for federally qualified health centers in every state of the country. Betty Vierra, who serves as the Executive Director of the Association for Utah Community Health, advised me that this is one of the top priorities of community health centers in Utah and across the nation. Community health centers have been working on this issue since 1997, and I am pleased they have finally won their hard-fought battle.

The bill also contains provisions from the Medicare Access to Technology Act of 2000, legislation that I introduced earlier this year. Last year, provisions were included in the omnibus budget legislation for fiscal year 2000 that addressed some of the outstanding problems concerning access issues for Medicare beneficiaries. Unfortunately, we were to able to resolve all of the issues last year. As a result, Medicare beneficiaries continue to have trouble gaining access to many new medical technologies that are already reimbursed by private insurance plans.

That is why I introduced the Medicare Patient Access to Technology Act of 2000. I believe we must eliminate the delays and barriers to access that have arisen in the way Medicare decides to cover, code and pay for new medical devices and diagnostics. Last year's legislation, which was included in the Balanced Budget Relief Act (BBRA), represented an important first step in modernizing the Medicare program to provide timely access to needed medical treatments provided in the hospital outpatient setting.

Briefly, my legislation requires the Health Care Financing Administration (HCFA) to implement the OPPS pass-through payment program on the basis of categories starting April 1, 2001. The bill includes a provision which changes the way in which HCFA reimburses for clinical laboratory services including the establishment of a specific process for clinical laboratory payments, and to report to Congress on this issue. Finally, the legislation requires the maintenance of local codes by Medicare contractors for three years and also requires HCFA by October 1, 2001 to provide for the inclusion of new technologies and devices more quickly in the Medicare inpatient hospital payment program.

On another matter, I have been deeply concerned about the safety of our nation's blood supply. Patient access to a safe and adequate blood supply is a national health priority, however, many of us have heard from the American Red Cross, America's blood centers, and the American Association of Blood Banks about hospitals having trouble paying for new blood therapies. Additional funding is needed if we are to remain committed to the safest blood supply possible.

The blood banking and transfusion medicine communities are constantly working to assure that safety improvements for blood are implemented as soon as they are available. Unfortunately, these measures significantly increase the cost of blood products—over 40 percent for the two latest technologies—for both the hospital and blood bank.

While blood is donated by volunteers, nonprofit blood centers must recover the costs associated with providing a safe product. Nonprofit blood centers pass these charges onto hospitals, which in turn, must get timely and adequate reimbursement for these life-saving and life-enhancing products. Unfortunately, the current system by which HCFA determines inpatient reimbursement rates does not account for these safety improvements a timely manner.

The bill directs HCFA and MedPAC to review how hospitals are being reimbursed for blood. It also asks both entities to recommend necessary changes to provide fair and timely reimbursement. While these recommendations will not be completed until late next year, I will continue to work on guaranteeing that patients are receiving the safest possible blood products as soon as possible.

I am also very pleased that the legislation before the Senate today contains additional funding for our nation's skilled facilities (SNFs). In September, I introduced legislation, S. 3030, along with my colleague Senator DOMENICI, to increase Medicare reimbursements for skilled nursing facilities.

Nursing homes across our country continue to struggle under the enormous demands of complying with the implementation of the prospective payment system as authorized pursuant to the Balanced Budget Act of 1997 (BBA). In an effort to address this problem, Congress passed legislation last year to restore nearly $2.7 billion for the care of nursing home patients. This action provided much needed relief to an industry that is facing extraordinarily financial difficulties as a result of the spending reductions provided under the BBA as well as implementation by HCFA.

Unfortunately, the problem is not fixed and more needs to be done. That is why Senator DOMENICI and I introduced the Skilled Nursing Facility Care Act of 2000 so that seniors can rest assured that they will have access to this important Medicare benefit.

In Utah, there are currently 93 nursing homes serving nearly 5,800 residents. I understand that seven of these 93 facilities, which are operated by Vencor, have filed for Chapter 11 protection. These seven facilities care for approximately 800 residents. Clearly, we need to be concerned about the prospect of these nursing homes going out of business, and the dramatic consequences that such action would have on all residents—no matter who pays the bill.

I am pleased that the bill before the Senate contains provisions from the Skilled Nursing Facility Care Act to ensure patient access to nursing home

care. Medicare's skilled nursing benefit provides life enhancing care following a hospitalization to nearly two million seniors annually. Unless Congress and HCFA take the necessary steps to ensure proper payments, elderly patients will be at risk, especially in rural, underserved and economically disadvantaged areas.

Specifically, the bill provides approximately $1.6 billion to SNFs over the next five years. The legislation repeals the minus one percent decrease in the SNF market basket for FY 2001 thereby providing the full market basket update. In FY 2002 and 2003 the updates would be the market basket index increase minus 0.5 percentage points.

Moreover, temporary increases in the federal per diem rates provided by last year's increases would be in addition to the increases in this provision. The bill also increases the nursing component for each Resource Utilization Group (RUG) by 16.66% over current law for SNF care furnished after April 1, 2001 and before October 1, 2002. Clearly, these additional dollars will help ensure the continuity of beneficiary care in our nation's nursing homes.

Another issue that I worked hard to get into the legislation is the financial commitment made for the treatment and research on diabetes. I am extremely pleased that the bill provides a substantial increase in appropriations for special diabetes programs for children with Type 1 Diabetes as well as for Native Americans with diabetes. As my colleagues recall, the BBA created two new grant programs under which the Secretary of Health and Human Services could make grants to support prevention and treatment services of diabetes for children and for Native Americans, respectively.

Specifically, Congress committed $30 million each for Native American diabetes care and for NIH research of Type 1 Diabetes in children. This program was authorized for five years—FY 1998 through FY 2002. I am very pleased the legislation increases the appropriated funds available for these two programs by raising the amount from $30 million to $100 million for FY 2001 and FY 2002, respectively. Moreover, the bill appropriates $100 million for each program for FY 2003.

These dollars have been extremely helpful in Indian Country where Native Americans suffer the highest rate of diabetes than any other segment of our population. I want to commend the Republican leadership for ensuring that these dollars were included in the bill—this commitment is truly making positive difference in the lives of millions of Americans who suffer from this deadly disease.

With respect to home health care, the legislation protects funding for home health care services by delaying until October 1, 2002 a BBA-scheduled 15 percent cut in Medicare payments. I sponsored legislation earlier this year that addresses the issue of the 15 percent cut. And, while I hoped we could repeal the 15% cut provision altogether, I can appreciate the difficulty the conferees faced in resolving this complicated and costly provision. Delaying the cut for another year will provide Congress additional time to address this controversial issue.

Moreover, the bill provides for a full medical inflation update for home health. I am particularly pleased the bill contains a provision that enhances the use of telehealth medicine in the delivery of home health care services. This enhancement will be especially helpful to those individuals who live in the rural and remote parts of Utah where medical specialists are not readily available. As a result, Utahns who live in these areas will not have improved access to the best doctors and medical care specialists regardless of where they live.

The bill also contains a provision on adult day care. This provision clarifies that the need for adult day care for a patient's plan of treatment does not preclude appropriate coverage for home health care. It also clarifies the ability of homebound beneficiaries to attend religious services without being disqualified from receiving home health care benefits. As one of the Senate's strongest supporters of home health care, I believe these provisions will enhance substantially the home health care benefit.

As far as hospitals are concerned, the legislation provides a substantial amount of new funding for our nation's hospitals. I have been particularly concerned about the financial impact of the BBA's provisions on rural hospitals. As I travel across Utah, I am constantly reminded by hospital administrators about the serious financial pressures many of these institutions currently face with increased demands for care while coping with reduced reimbursements from Medicare. Clearly, Congress needs to act now to ensure the financial viability of our nation's hospitals.

The bill also addresses the problem by providing equitable treatment for rural disproportionate share hospitals (DSHs) which care for a disproportionate share of poor Medicare patients. The bill extends the Medicare Dependent Hospital program for rural areas; it updates target amounts for sole community hospitals; and increases rural patients' access to emergency and ambulance services.

Moreover, the bill ensures continued access to hospital services nationwide by providing a full inflation market basket update for fiscal year 2001. The plan also ensures the financial stability of teaching hospitals by increasing payments related to physician training. This provision is especially important to Utah's University Hospital which has been hard hit in the past year by the BBA reductions.

With regard to Native Americans, the legislation contains an extremely important provision regarding Indian health care. The bill authorizes, for the first time, the Indian Health Service (IHS) and tribally operated clinics and hospitals to receive Medicare Part B reimbursement for services provided under the physician fee schedule. This proposal would enhance the access of Medicare-eligible Native Americans to affordable, quality health care and improve the ability of these clinics and hospitals to serve the Native American population.

Another important Medicare issue I want to raise involves providing appropriate coverage for certain injectable drugs and biologicals that are critical to many Medicare beneficiaries. To resolve this issue, the legislation has a provision which addresses this important issue.

The Medicare Carriers Manual specifies that a drug or biological is covered under this provision if it is ''usually'' not self-administered. Under this standard, Medicare for many years covered drugs and biological products administered by physicians in their offices and other outpatient settings. In August 1997, however, HCFA issued a memorandum that had the effect of eliminating coverage for certain products that could be self-administered. This resulted in patients suddenly losing their Medicare coverage for these products, thus limiting access to drugs and biologicals for many seniors and disabled individuals.

The legislation's language clarifies Medicare reimbursement policy to guarantee that physicians and hospitals will be reimbursed for injectable drugs and biologicals. The new language requires coverage of ''drugs and biologicals which are not usually self-administered by the patient,'' thus restoring the coverage policy that was in effect before the August 1997 HCFA memorandum was issued.

When HCFA considers whether a drug or biological is usually self-administered, I feel HCFA should determine whether a majority of Medicare beneficiaries can actually self-administer the drug. HCFA should assume, as it did for many years, that Medicare patients do not usually administer injections or infusions to themselves, while oral medications usually are self-administered.

I believe that it would be appropriate for HCFA to issue guidelines for its contractors to clarify the intent of the legislation. In addition, HCFA should instruct its contractors not to exclude a drug or biological without making an explicit finding supported by evidence that the product is usually self-administered by most Medicare patients.

This issue is an important step to provide our seniors and persons with disabilities with the prescription drugs and biologicals that they deserve. I look forward to working with HCFA to ensure that our Medicare beneficiaries receive adequate and appropriate coverage for these drugs and biologicals.

On another matter Mr. President, I would also like to state that as the

Medicare provisions of this legislation are implemented, I urge the Secretary of Health and Human Services to review policies that affect the order of services provided to home health beneficiaries to assure that, under the prospective payment system, home health agencies are given maximum flexibility to provide services in a clinically appropriate and efficient order.

In this connection, I believe the Secretary should also review the role of occupational therapists in conducting the initial Outcome and Assessment Information Set (OASIS) even when occupational therapy is not the therapy service that initially qualifies the beneficiary for covered home health services.

For example, when patients are prescribed home health solely for rehabilitation, the review should include whether or not it would be clinically appropriate for occupational therapy to be the first service provided to the patient. Another factor to be considered is whether or not it may be appropriate for an occupational therapist to conduct the initial OASIS. I am hopeful that the prospective payment system implemented by the Secretary will not restrict the ability of home health agencies to fully utilize the unique skills of covered therapists.

Once again, Mr. President, I am pleased the Congress and President Clinton have come together in reaching agreement on this legislation. It is vital that these provisions become enacted this year; they will help many people across our country. I look forward to the President signing this measure into law at the earliest possible date.

I also want to take this opportunity to thank the numerous individuals across the great state of Utah who took the time to meet with me here in Washington and in Utah over the past year regarding many of the health provisions included in this bill. I value the input and expertise I received from health care providers and consumers in may state, and especially from the elderly whose views have been particularly helpful to me in the development of this legislation.

Seniors in Utah and across our country depend on Medicare. We must ensure this program provides the highest quality of health care to beneficiaries. Moreover, I am hopeful that in the next Congress, with the leadership from President-elect Bush, we will be able to build on today's work and further improve the quality of services to beneficiaries and, especially, provide for a new outpatient prescription drug benefit.

Mr. KERRY. Mr. President, let me say a few words about the Small Business Reauthorization Act of 2000 and the process to bring this legislation to the floor as part of the Fiscal Year 2001 Omnibus Appropriations bill. First, however, I would like to thank Senate Committee on Small Business Chairman KIT BOND, House Small Business Committee Chairman JIM TALENT, House Small Business Committee Ranking Member NYDIA VELAZQUEZ, our staffs, Laura Ayoud with Senate Legislative Counsel and John Ratliff with the House Legislative Counsel's office for their efforts on reauthorizing programs vital to America's small businesses. We have all worked long and hard to get to this point.

The Small Business Reauthorization Act of 2000, H.R. 5667, as included in the Fiscal Year 2001 Omnibus Appropriations bill, contains a good portion of the conference report negotiated by the Senate and House Committees on Small Business. Despite the rough start, partisan wrangling over unrelated issues, broken deals and lengthy delays, I am pleased that we can at last pass this legislation so critical to our nation's small businesses. Unfortunately, it is our small businesses that have suffered the most in this climate of uncertainty, waiting, anticipating and hoping that the Congress would complete its work and pass this reauthorization package.

While I am pleased that we have reached an agreement that will ensure continuation of valuable Small Business Administration (SBA) programs, I am greatly concerned with the breakdown in the legislative process that has prevented what is normally a bi-partisan reauthorization bill from passing in a timely manner.

To briefly elaborate on this, when the original agreement between the Senate and the House was concluded, our bipartisan legislation was commandeered by the Republican leadership and provisions dealing with tax cuts, assisted suicide and medicare give-backs to HMOs were added without my knowledge or consent. The President threatened to veto such a package.

Additionally, a Wellstone provision agreed to during negotiations was removed. The Wellstone provision would have created a 3 year $9 million pilot project to build the capacity of community development venture capital firms through research, training and management assistance. Senator WELLSTONE had already agreed to make this program a three year pilot project and cut the funding down from $20 million over four years. But the provision was removed from the Conference Report without consulting either of us.

I am also disappointed that some provisions included in the Senate passed version of the Small Business Reauthorization Act, as well as in the Administration's budget request, were not included in the final version of this legislation. The original Senate version contained several provisions important to the Administration, Members of the Senate Small Business Committee and the Senate in general. In the spirit of compromise, the Senate agreed to drop several of these important provisions, with an understanding, in many cases, to revisit these issues in the 107th Congress.

Chairman BOND agreed to remove his provision regarding the ''Independent Office of Advocacy Act,'' which I cosponsored, and which passed the Senate as a separate bill. This Committee has heard on more than one occasion that providing separate funding for the Office of Advocacy is the best means to ensure its autonomy. I look forward to working with the Chairman on this issue in the next Congress. A provision requested by Senator TED STEVENS setting up a HUBZone pilot program in Alaska and a provision requested by Senator DIANNE FEINSTEIN to allow fruit and vegetable packing houses hit by the 1998 freeze to participate in the SBA's Disaster Loan program were removed as well. I have assured Senator FEINSTEIN that the Committee will look further into this matter in the next Congress in an effort to allow the SBA to provide relief if it is warranted.

A provision requested by the Administration and strongly supported by Senator PAUL WELLSTONE and myself was also dropped. This provision would have created a Native American Small Business Development Center (SBDC) Network that would have worked together with the traditional SBDC Network, but would have been separately funded. I have received assurances from both Chairman BOND and the House Committee on Small Business that this issue will be addressed in the next Congress, along with concerns raised by Senator INOUYE about the participation of Native Hawaiian Organizations in the 8(a) program. The Senate and House Committees on Small Business are in agreement that this is an important issue for Native Americans, considered a disadvantaged group for the purposes of SBA programs, and one that needs greater focus.

Provisions regarding the Quadrennial Small Business Summit, the Small Business Advocacy Review Panel Technical Amendments Act, Development Company Debenture Interest Rates, Fraud and False Statements and Financial Institution Civil Penalties were also removed.

The final version of this legislation does include some of the provisions I requested regarding improvements to the Microloan program. The changes to the Microloan program stemmed from the President's Fiscal Year 2001 budget request and had broad support in the Senate, as well the support of several Members of the House Committee on Small Business. I have long been a firm believer in microloans and their power to help people gain economic independence while improving the communities in which they live. With a relatively small investment, the Microloan program helps turn ideas into small businesses adding up to sel-sufficiency for many families and big returns for the taxpayers.

Changes to the program, which resulted from a roundtable Committee meeting in the Senate and discussions with the Administration and users of the Microloan program, will be a great

boon to the effectiveness and availability of Microloans. Specifically, provisions increasing the maximum loan amount from $25,000 to $35,000 and increasing the average loan size to $15,000 were included. However, changes to make the program more effective, such as increasing the number of intermediaries or authorizing reimbursement for peer-to-peer mentoring, were weakened or removed because the House did not have time to hold hearings and study them thoroughly.

I believe all of the changes in the Senate bill make sense, have broad bipartisan and bicameral support, and would go a long way toward providing increased access to capital, especially for minority entrepreneurs. I want to make it clear to my colleagues who support the Microloan program that I will continue my efforts to strengthen this program and will work with Chairman BOND and our House counterparts to make these remaining improvements in the next Congress. I also intend to revisit the Microloan funding issue before the end of the three-year reauthorization period if the level authorized is inadequate to meet program needs.

While I am disappointed that some of the Senate changes were not included in the final compromise, this legislation is crucial for our nation's small businesses. It reauthorizes all of the SBA's programs, setting the funding levels for the credit and business development programs, and making selected improvements. Without this legislation, the 504 loan program and the Small Business Innovation Research program would shut down; the venture capital debenture program would shut down; and funding to the states for their small business development centers would be in jeopardy.

The SBA's contribution is significant. In the past eight years, the SBA has helped almost 375,000 small businesses get more than $80 billion in loans. That's double what small businesses had received in the preceding 40 years since the agency's creation. The SBA is better run than ever before, with four straight years of clean financial audits; it has a quarter less staff, but guarantees twice as many loans; and its credit and finance programs are a bargain. For a relatively small investment, taxpayers are leveraging their money to help thousands of small businesses every year and fuel the economy.

Let me just give you one example. In the 7(a) program, taxpayers spend only $1.24 for every $100 loaned to small business owners. Well known successes like Winnebago and Ben & Jerry's are clear examples of the program's effectiveness.

Overall, I agree with the program levels in the three-year reauthorization bill. As I said during the Small Business Committee's hearing on SBA's budget earlier in the year, I believe the program levels are realistic and appropriate based on the growing demand for the programs and the prosperity of the country. I also think they are adequate should the economy slow down and lenders have less cash to invest. Consistent with SBA's mission, in good times or bad, we need to make sure that small businesses have access to credit and capital so that our economy benefits from the services, products and jobs they provide. As First Lady and Senator-elect HILLARY RODHAM CLINTON says, we don't want good ideas dying in the parking lot of banks. We also want a safety net when our states are hit hard by a natural disaster. There are many members of this Chamber, and their constituents, who know all too well the value of SBA disaster loans after floods, fires and tornadoes.

Mr. President, I am extremely pleased that we included legislation to extend the Small Business Innovation Research (SBIR) program for 8 more years as part of this comprehensive SBA reauthorization bill. While I am very sorry the process has taken this long, in no way should that imply that there is not strong support for the SBIR program, the Small Business Administration, or our nation's innovative small businesses.

The SBIR program is of vital importance to the high-technology sector throughout the country. For the past decade, growth in the high-technology field has been a major source of the resurgence of the American economy we now enjoy. While many Americans know of the success of Microsoft, Oracle, and many of the dot.com companies, few realize that it is America's small businesses, working in industries like software, hardware, medical research, aerospace technologies, and bio-technology, that are helping to fuel this resurgence—and that it is the SBIR program that makes much of this possible. By setting aside Federal research and development dollars specifically for small high-tech businesses, the SBIR program is making important contributions to our economy.

These companies have helped launch the space shuttle; conducted research on Hepatitis C; and made B–2 Bomber missions safer and more effective.

Since the start of the SBIR program in 1983, more than 17,600 firms have received over $9.8 billion in SBIR funding agreements. In 1999 alone, nearly $1.1 billion was awarded to small high-tech firms through the SBIR program, assisting more than 4,500 firms.

The SBIR program has been, and remains, an excellent example of how government and small business can work together to advance the cause of both science and our economy. Access to risk capital is vital to the growth of small high technology companies, which accounted for more then 40 percent of all jobs in the high technology sector of our economy in 1998. The SBIR program gives these companies access to Federal research and development money and encourages those who do the research to commercialize their results. Because research is crucial to ensuring that our nation is the leader in knowledge-based industries, which will generate the largest job growth in the next century, the SBIR program is a good investment for the future.

I am proud of the many SBIR successes that have come from my state of Massachusetts. Companies like Advanced Magnetics of Cambridge, Massachusetts, illustrate that success. Advanced Magnetics used SBIR funding to develop a drug making it easier for hospitals to find tumors in patients. The development of this drug increased company sales and allowed Advanced Magnetics to hire additional employees. This is exactly the kind of economic growth we need in this nation, because jobs in the high-technology field pay well and raise everyone's standard of living. That is why I am such a strong supporter and proponent of the SBIR program and fully support its reauthorization.

This legislation also includes my legislation establishing a New Markets Venture Capital program at SBA. This small business legislation is designed to promote economic development, business investment, productive wealth and stable jobs in ''new markets,'' low- and moderate-income communities where there is little to no sustainable economic activity but many overlooked business opportunities. The venture capital program is modeled after the Small Business Administration's successful Small Business Investment Company program. The SBIC program has been so successful that it has generated more than $19 billion in investments in more than 13,000 businesses since 1992.

With the passage of the ''New Markets'' legislation, low- and moderate-income areas will have increased opportunities to join the economic boom in America and this targeted venture capital will make a powerful difference in places like the inner-city areas of Boston's Roxbury or New York's East Harlem, and rural areas like Kentucky's Appalachia or the Mississippi's Delta region.

This legislation also contains H.R. 2614, which reauthorizes SBA's 504 loan program, which passed the Senate on June 14, 2000. The bill and our improvements make common-sense changes to this critical economic development tool. These changes will greatly increase the opportunity for small business owners to build a facility, buy more equipment, or acquire a new building. In turn, small business owners will be able to expand their companies and hire new workers, ultimately resulting in an improved local economy.

Since 1980, over 25,000 businesses have received more than $20 billion in fixed-asset financing through the 504 program. In my home state of Massachusetts, over the last decade small businesses have received $318 million in 504 loans that created more than 10,000 jobs. The stories behind those numbers say a lot about how SBA's 504 loans

help business owners and communities. For instance, in Fall River, Massachusetts, owners Patricia Ladino and Russell Young developed a custom packing plant for scallops and shrimp that has grown from ten to 30 employees in just two short years and is in the process of another expansion that will add as many as 25 new jobs.

Under this reauthorization bill, the maximum debenture size for Section 504 loans has been increased from $750,000 to $1 million. For loans that meet special public policy goals, the maximum debenture size has been increased from $1 million to $1.3 million. It has been a decade since we increased the maximum guarantee amount. If we were to change it to keep pace with inflation, the maximum guarantee would be approximately $1.25 million instead of $1 million. By not implementing such a sharp increase, we are striking a balance between rising costs and increasing the government's exposure.

I am pleased to say that this legislation also includes a provision assisting women-owned businesses, which I first introduced in 1998 as part of S. 2448, the Small Business Loan Enhancement Act. This provision adds women-owned businesses to the current list of businesses eligible for the larger public policy loans. As the role of women-owned businesses in our economy continues to increase, we would be remiss if we did not encourage their growth and success by adding them to this list.

Mr. President, the 504 loan program gets results. It expands the opportunities of small businesses, creates jobs and improves communities. It is crucial that it be reauthorized, I am pleased this legislation has been included in this package.

Small Business Development Centers (SBDC) are also reauthorized under this legislation. SBDCs serve tens of thousands of small business owners and prospective owners every year. This bill takes a giant step to retool the formula that determines how much funding each state receives. This is an important program for all of our states and we want no confusion about its funding. Without this change, some states would have suffered sharp decreases in funding, disproportionate to their needs. I appreciate and am glad that the SBA and the Association of Small Business Development Centers worked with me to develop an acceptable formula so that small businesses continue to be adequately served. As I said previously, I plan to revisit the Native American SBDC Network issue next Congress.

This legislation also reauthorized the National Women's Business Council. For such a tiny office, with minimal funding and staff, it has managed to make a significant contribution to our understanding of the impact of women-owned businesses in our economy. It has also done pioneer work in raising awareness of business practices that work against women-owned business, such as some in the area of Federal procurement. Recently, the Council completed two studies that documented the world of Federal procurement and its impact on women-owned businesses.

According to the National Foundation for Women Business Owners, over the past decade, the number of women-owned businesses in this country has grown by 103 percent to an estimated 9.1 million firms. These firms generate almost $3.6 trillion in sales annually and employ more than 27.5 million workers. With the impact of women-owned businesses on our economy increasing at an unprecedented rate, Congress relies on the National Women's Business Council to serve as its eyes and ears as it anticipates the needs of this burgeoning entrepreneurial sector. Since it was established in 1988, the bipartisan Council has provided important unbiased advice and counsel to Congress.

This Act recognizes the Council's work and re-authorizes it for three years, from FY 2001 to 2003. It also increases the annual appropriation from $600,000 to $1 million, which will allow the council to support new and ongoing research, and produce and distribute reports and recommendations prepared by the Council.

The Historically Underutilized Business Zone, or ''HUBZone'' program, which passed this Committee in 1997, has tremendous potential to create economic prosperity and development in those areas of our Nation that have not seen great rewards, even in this time of unprecedented economic health and stability. This program is similar to my New Markets legislation in that it creates an incentive to hire from, and perform work in, areas of this country that need assistance the most. This bill would authorize the HUBZone program at $10 million for the next 3 years, which is $5 million above the Administration's request.

Additionally, this legislation includes very important provisions to allow those groups which were inadvertently missed when this legislation was crafted—namely Indian tribal governments and Alaska Native Corporations—to participate in the program. I appreciate the willingness of the Committee on Indian Affairs to work with our Committee to create increased HUBZone opportunities for Native Americans.

As I stated, the HUBZone section does not contain any provision addressing the interaction of the HUBZone and 8(a) minority contracting programs. I believe that the 8(a) program is an important and necessary tool to help minority small businesses receive access to government contracts. The Chairman and I agree that there is a need to enhance the participation of both 8(a) and HUBZone companies in Federal procurement. It is my intention that the Senate Committee on Small Business consider the issue of enhancing small business procurement in the next Congress.

This legislation also includes a provision relating to SBA's cosponsorship authority. This authority allows SBA and its programs to cosponsor events and activities with private sector entities, thus leveraging the Agency's limited resources. The legislation extends this authority for three additional years.

Mr. President, let me conclude by reminding my colleagues that all of our states benefit from the success and abundance of small businesses. This legislation makes their jobs a little easier. I ask my colleagues for their support of this important legislation.

Mr. THURMOND. Mr. President, as we draw the 106th Congress to a close, I wish only to take a moment to express my appreciation to Senator STEVENS and others who concluded the negotiations on this final appropriations bill. They have worked under difficult circumstances, and I commend them for their accomplishment. I particularly acknowledge the effort of the Senator STEVENS. He is an outstanding chairman. He has devoted months of effort to this bill at great personal sacrifice. He is extremely capable and is always courteous and I express my personal thanks to him for his good work.

I am particularly gratified that the Appropriations Committee found a way to fund a leadership development program for the Boys and Girls Clubs of America. I have a long held interest in and concern for the young people of our Nation. The funding contained in this bill for a National Training Center will assist this worldwide organization in its mission of serving youth. The Center will offer a full array of programs, training, and research for participants from across the entire Nation. As a result, significant progress will be make toward the goals of promoting citizenship, leadership, and character development; the prevention of drug and alcohol abuse; and similar initiatives. On behalf of the youth of this Nation, I again express my appreciation for the Congress supporting this measure.

Mr. BIDEN. Mr. President, I want to take a few minutes to speak to the Commerce-Justice-State appropriations legislation that is contained in this bill. Unfortunately, I've got some good news and some bad news. The good news is that this bill recognizes the need to dedicate more resources to foreign policy needs; the bad news is that the bill fails to contain funding for three important programs in the Justice portion of this legislation.

The State Department does important work—protecting our citizens and pursuing our foreign policy objectives—in some of the most dangerous and difficult places in the world. Unlike the U.S. military, State Department employees go into areas of conflict unarmed, and generally unprotected. We have State Department officials in Sierra Leone, in Syria, in Lebanon and Liberia, and throughout the war-torn corners of the former Yugoslavia.

That is why I am particularly pleased to see that funding for embassy security in the Commerce-Justice-State bill is at the levels requested by the Administration. I strongly support full funding of two critical accounts—embassy security and maintenance, and embassy security equipment and personnel—in the legislation to authorize State Department activities which was initiated by the Committee on Foreign Relations last year.

Failure to fully fund the State Department's security account would have had a devastating effect on the safety of the Americans who serve us overseas, both in the number of security agents who protect them against terrorist threats and construction of new, safe embassies. Fortunately both these security programs will be well-funded. I regret, however, that agreement was not reached to fund a new Center for Anti-terrorism and Security Training. I hope we can give this careful consideration next year.

In addition, after many years of decline, funding for the State Department's most basic needs—including salaries and administrative expenses—has been increased. The final funding for this account exceeds the Administration's original request by $65 million, which should help offset the many reductions in the State Department budget during the 1990s.

As the Secretary of State has said numerous times, diplomats are our first line of defense. Just as we are concerned about military readiness, so we must be attentive to diplomatic readiness overseas. We need to do as much as we can—and in my opinion, this funding goes only part way—to ensure that we retain the best and the brightest in our Foreign Service.

I am pleased that the amount of money dedicated to United Nations Peacekeeping operations exceeds the Administration's original request. The final figure is based on more recent calculations of the U.S. dues to the United Nations and will allow us to help fund these important missions, thereby alleviating suffering and improving stability around the world.

I understand the frustration that many of my colleagues feel toward the United Nations. Earlier this week, I visited the UN. I want to assure my colleagues that reform is happening. Ambassador Holbrooke has kept his commitment, made to the Committee on Foreign Relations during his confirmation hearings, that reform will be his ''highest sustained priority.'' He and his team in New York continue to push effectively for needed reforms in the areas of peacekeeping and general operations. The recommendations made by the Brahimi panel, in particular, will result in better focused, trained and equipped peacekeeping missions—changes I believe that we all agree are needed.

I wish that I could be as positive about the Justice Department portion of the bill, but I cannot. I am disheartened that the legislation does not contain three crucial provisions—reauthorization of the COPS program, the Violent Crime Reduction Trust Fund, and full funding for the Violence Against Women Act.

Although we have 49 co-sponsors from both sides of the aisle and letters of support from every major law enforcement organization, a few powerful members on the other side have refused to allow a vote on the continuation of the COPS program.

In 1994, we set a goal of funding 100,000 police officers by the year 2000. We met that goal months ahead of schedule. As of today, there have been 109,000 officers funded and 68,100 officers deployed to the streets.

Because of COPS, the concept of community policing has become law enforcement's principal weapon in fighting crime. Community policing has redefined the relationship between law enforcement and the public. But, more importantly, it has reduced crime. And that is what we attempted to do.

All across the country, from Wilmington to Washington—from Connecticut to California, we are seeing a dramatic decline in crime. Just a few weeks ago, the FBI released its annual crime statistics which showed that once again, for the eighth year in a row, crime is down. In fact, crime was down 7 percent from last year and 16 percent since 1995. But we can't become complacent. We have to continue to help state and local law enforcement by putting more cops on the street. Mark my words, the day we become complacent is the day that crime rates go up again. And refusing to even allow a vote on this bill is even worse than complacency—it is irresponsible.

And I will say again that I firmly believe that reauthorization of the Violent Crime Reduction Trust Fund is the single most significant thing that we can do to continue the war on crime.

Since the Fund was established in the 1994 Crime Act, Congress has appropriated monies from the fund for programs including the Local Law Enforcement Block Grant Program and numerous programs contained in the Violence Against Women Act. The money has gone to hire more cops and it has brought unprecedented resources to defending our southwest border. It has funded runaway youth prevention programs and numerous innovative crime prevention programs. And there are many more.

The results of these efforts have taken hold. Crime is down—way down. And we didn't add 1 cent to the deficit or the debt.

This was the single most important paragraph in the 1994 Crime bill because no one can touch this money for any other purpose. It can't be spent on anything else but crime reduction. It is the one place where no one can compete. It is set aside. It is a savings account to fight crime.

This fund works. It ensures that the crime reduction programs that we pass will be funded. It ensures that the crime rate will continue to go down instead of up. It ensures that our kids will have a place to go after school instead of hanging out on the street corners. It ensures that violent crimes against women get the individualized attention that they need and deserve. It gives States money to hire more cops and get better technology.

This bill also is unsatisfactory because it leaves the landmark Violence Against Women Act underfunded, seriously jeopardizing the tremendous strides we have made in every State across this country to reduce domestic violence and sexual assault against women. Congress originally approved this legislation in 1994 and then reauthorized it unanimously this past October. In the bill before us, however, Congress fails to live up to its commitment to women and children who are the victims of domestic violence and sexual assault by not appropriating the necessary funds authorized in the Violence Against Women Act of 2000.

Reauthorization of the COPS program, the Trust Fund, and full funding for the Violence Against Women Act should have been a part of this package, and I'm disappointed that some on the other side have decided to put politics ahead of the people.

Mr. GRAMM. Mr. President, today I am proud to add my voice in support of the Commodity Futures Modernization Act of 2000. This legislation represents the end product of work that began in S. 2697, which Senator LUGAR and I introduced on June 8. The Commodity Futures Modernization Act of 2000 completes the work of last year's financial services modernization law, bringing our financial regulation in line with the rapid pace of developments in the global marketplace. The Commodity Futures Modernization Act of 2000 will now allow new and important financial products—single stock futures—to be sold in America. It protects financial institutions from over-regulation, and provides legal certainty for the $60 trillion market in swaps.

Significant portions of this legislation, particularly in Titles II, III and IV of the Act, concern issues within the jurisdiction of the Committee on Banking, Housing, and Urban Affairs.

Title II establishes the authority and framework for the offering of single stock futures, removing the ban embodied in the so-called Shad-Johnson Accord. I would like to take this opportunity to echo the views expressed by my colleague, Congressman BLILEY, Chairman of the Committee on Commerce of the House of Representatives, at the time of House adoption of this bill. It is my understanding that nothing in Title II of H.R. 5660 would (i) authorize any bank or similar institution to engage in any activity or transaction, or hold any asset, that the institution is not authorized to engage in or hold under its chartering or authorizing statute; (ii) authorize depository

institutions either to take delivery of equity securities under a single stock future or under any other circumstance, or otherwise to invest in any equity security otherwise prohibited for depository institutions; or (iii) allow a depository institution to use single stock futures to circumvent restrictions in the law on ownership of equity securities under its chartering or authorizing statute.

Under Title III of the bill, the SEC is granted new authority to undertake certain enforcement actions in connection with security-based swap agreements. It is important to emphasize that nothing in the title should be read to imply that swap agreements are either securities or futures contracts. To emphasize that point, the definition of a ''swap agreement'' is placed in a neutral statute, the Gramm-Leach-Bliley Act, that is, legislation that is not specifically part of a banking, securities, or commodities law. However, drawing upon the SEC's enforcement experience, the SEC is permitted, on a case-by-case basis, with respect to security-based swap agreements (as defined in the legislation) to take action against fraud, manipulation, and insider trading abuses.

Title III makes it clear that the SEC is not to impose regulations on such instruments as prophylactic measures. Banks are already heavily regulated institutions. Further regulatory burden, rather than discouraging wrongdoing, would be more likely to discourage development and innovation, during business overseas instead. The SEC is directed to focus on the wrong doers rather than provide new paperwork burden and regulatory costs on the law abiding investors and financial services providers. For example, the SEC is directed not to require the registration of security-based swap agreements. If a registration statement is submitted to the SEC and accepted by the SEC, the agency is required promptly to notify the registrant of the error, and the registration statement will be null and void.

Insider trading provisions of the Securities Exchange Act will be applied to single stock futures transactions as well.

Title IV of the Commodity Futures Modernization Act of 2000 contains the Legal Certainty for Bank Products Act of 2000. This title is a free standing provision of law, part of neither the banking statutes not the commodities statutes. The provisions of this title clarify the jurisdictional line between the regulation of banking products and futures products.

Under section 403 of Title IV, no provision of the Commodity Exchange Act (CEA) may apply to, and the CFTC is prohibited from exercising regulatory authority with respect to, an ''identified banking product'' if: (1) an appropriate banking agency certifies that the product has been commonly offered, entered into, or provided in the United States by any bank on or before December 5, 2000, and (2) the product was not prohibited by the CEA and was not in fact regulated by the CFTC as a contract of sale of a commodity for future delivery (or an option on such a contract or on a commodity) on or before December 5, 2000. This provision is intended to provide legal certainty for existing banking products so that they can continue to be offered, entered into, or provided by banks without being subject to CFTC regulation.

An existing banking product is one that is certified by the appropriate banking regulator as being a product is ''commonly'' offered, entered into, or provided, on or before December 5, 2000, in the U.S. by any bank. To rely upon that test a particular bank would not need to have certified that the particular bank had offered the product. The certification would apply if it or any other bank had offered such a product on or before December 5, 2000. The term ''commonly offered'' means, in effect, that the product was not obscure, or offered only briefly. It is not to be construed to mean that the product must be of a type that is appropriate or suitable for any and all users, since many common bank products are tailored for specific customers, small business loans or low cost checking accounts for seniors being two such examples.

New banking products not excluded from the CFTC's jurisdiction under Title IV will be, if indexed to a commodity, subject to a test to determine whether they are predominantly banking products, in which case, the CFTC is precluded from exercising regulatory authority over them. The predominance test is a self test. Banks themselves may apply the factors of the predominance test with respect to the development of new products, without making prior application to any regulator. The predominance test as contained in the law is intended to replace regulatory provisions under the Commodity Exchange Act concerning the application of a predominance test with respect to hybrid instruments.

Under the predominance test, a hybrid instrument will be considered to be predominantly a banking product if (1) the issuer of the instrument receives payment in full of the purchase price of the instrument substantially contemporaneously with its delivery, (2) the purchaser or holder of the hybrid is not required to make any payment to the issuer in addition to the purchase price during the life of the instrument or at maturity, (3) the issuer is not subject to mark-to-market margining requirements, and (4) the hybrid is not marketed as a contract of sale of a commodity for future delivery or an option subject to the CEA.

If a bank, having applied the predominance test to a new product, determines that the product is predominantly a banking product not subject to CFTC regulation, and the CFTC later challenges the bank's conclusion, the CFTC is still prohibited from exercising regulatory authority over the product unless the Commission obtains the concurrence of the Board of Governors of the Federal Reserve Board (Board). If the Board does not concur in the CFTC's decision, the Board may submit the controversy for determination by the United States Court of Appeals for the District of Columbia Circuit.

The CFTC is expected to be circumspect in applying the predominance test. For example, it does not necessarily follow that a hybrid instrument not satisfying the predominance test is inevitably a futures contract subject to CFTC regulation. The CFTC must not interpret normal or traditional banking practices and activities, or prudent actions taken by a bank to maintain safety and soundness, to be hybrid instruments that the CFTC may regulate. For example, a loan made by a bank is an identified banking product under section 206(a)(3) of the Gramm–Leach-Bliley Act. Some may argue that a new loan product offered after December 5, 2000, may be interpreted to be covered by the definition of a hybrid instrument if it has one or payments indexed to the value of, or provides for the delivery of, one or more commodities. However, there would be little justification for the CFTC to construe the pledging of a commodity as collateral for a loan, or that providing that a commodity may be offered as part or full satisfaction of a loan, to be representative of a futures contract over which the CFTC may exert jurisdiction. No such result is contemplated under this legislation.

Moreover, the fact that a loan may be renegotiated or sold, or that a loan or other identified banking product may not be held until maturity, is not a violation of the predominance test. These are merely examples of the reasonable interpretations that the CFTC must adhere to when it applies the predominance test for purposes of the statute.

The Commodity Futures Modernization Act of 2000 excludes from its coverage agreements, contracts or transactions in an excluded commodity entered into on an electronic trading facility provided that such agreements, contracts or transactions are entered into only by eligible contract participants on a principal-to-principal basis trading for their own accounts. In some cases, a party may enter into an agreement, contact or transaction on an electronic trading facility that mirrors another agreement, contract or transaction entered into at about the same time with a customer. The risk of one transaction may be largely or completely offset by the other; and that may be the purpose for entering into both transactions. But the party entering into both transactions remains liable to each of its counterparties throughout the life of the transaction. That party is similarly exposed to the credit risk of each of its counterparties. The fact that a party

has entered into back-to-back transactions as described above does not alter the principal-to-principal nature of each of the transactions and must not be construed to affect the eligibility of either transaction for the electronic trading facility exclusion.

Mr. President, enactment of the Commodity Futures Modernization Act of 2000 will be noted as a major achievement by the 106th Congress. Taken together with the Gramm–Leach-Bliley Act, the work of this Congress will be seen as a watershed, where we turned away from the outmoded, Depression-era approach to financial regulation and adopted a framework that will position our financial services industries to be world leaders into the new century.

Mr. KENNEDY. Mr. President, I join in commending the Democratic and Republican leaders for reaching this bipartisan agreement to give early, full and fair consideration to the Amtrak bond proposal in the next Congress.

The legislation is needed to ensure that Amtrak has the resources to maintain passenger rail service across the country.

This funding will undoubtedly strengthen train service in the Northeast Corridor. But this financing package can do much more to provide similar service to communities throughout the country. It will provide the financial stability that Amtrak needs to plan adequately for the future.

With the increasing congestion and delays we're seeing at major airports across the country, we need other options for transportation in the 21st century.

I look forward to the enactment of this important legislation early in the next Congress, so that passenger rail service will continue to be a key component of our transportation network.

Amtrak helps states meet clean air requirements by giving people a viable alternative to driving and flying. It's more energy efficient, which is particularly important for the New England region.

For many business commuters and vacationers, it's a more appealing way to travel. And for many workers, it's their chosen profession to which they've devoted years of their lives, and their families depend on it to pay the bills.

As a nation, we need a firm commitment to support passenger rail service, just as we do for highways and airports.

So again, I commend the leaders for the commitments made today for a financing plan to strengthen passenger rail service in the United States.

Mr. THOMPSON. Mr. President, I am pleased that the Senate-House conferees have adopted an amendment I sponsored to inform Congress and our citizens about potential violations of their privacy on Federal agency Web sites. The public has a right to know whether the Federal Government is respecting personal privacy. This amendment would require all Inspectors General to report to Congress within 60 days on how each department or agency collects and reviews personal information on its web site. The amendment is based on similar language offered by Congressman JAY INSLEE in the House that would have applied exclusively to the agencies funded by the Treasury-Postal Appropriations bill. Our final language was adopted by the Senate-House conferees in the bill providing appropriations for the Legislative Branch and Treasury-Postal Appropriations Act, and it was included in the Omnibus Appropriations Act.

The Internet has brought great benefits to our society, but understandably, the public is becoming more and more concerned about the way personal information is collected and handled on the Internet. The Federal Government should set an example for how personal privacy is handled in cyberspace. But unfortunately, concerns have been raised that some Federal agencies may be engaging in information-gathering practices that could only further deepen the public's distrust of government. We need to find out whether these concerns are real, and if they are, we need to decide what do about it.

Although the Clinton Administration established a privacy policy in June 1999 to guide the agencies, it is not clear whether the policy did much to protect privacy. In particular, the policy seemed to condone agencies' use of ''cookies''—small bits of software placed on web users' hard drives to collect personal information. The policy stated, ''In the course of operating a web site, certain information may be collected automatically in logs or by cookies.'' It also stated that ''some agencies may be able to collect a great deal of information,'' but went on to state that some agencies might make a policy decision to limit the information collected. Under the Paperwork Reduction Act, OMB is supposed to direct the agencies on privacy policy, but OMB's original privacy guidance seemed to give the agencies free rein to decide their own privacy policy for themselves. But OMB's original guidance did require the agencies to post privacy policies making clear whether they were collecting information.

Earlier this year, it was revealed that the White House Office of National Drug Control Policy had contracted with a private company to use cookies to track users of the ONDCP web site. ONDCP failed to warn the public about this practice in its privacy policy.

When the press reported ONDCP's practices, there was a swift and sharp public outcry. The White House's Office of Management and Budget quickly shifted into damaged control mode and issued a June 22 memorandum reversing its previous guidance and creating a presumption against the use of cookies on Federal web sites. However, more recently GAO reported to me that a number of agencies continued to use cookies, and it was not clear how these cookies were being used. This whole episode raises questions about the Federal Government's commitment to citizens' privacy. It also could undermine citizens' trust in government Web site.

I am not suggesting that cookies are inherently bad devices under all circumstances. Cookies can perform beneficial tasks on the Internet, such as counting the number of visitors to a site, assessing the popularity of certain Web pages, and briefly storing information already entered into to a form so that users don't have to enter the same information multiple times. At the same time, cookies can be used to identify specific computers and track a user's actions all over the Internet. The real questions I have are, ''What are cookies on Federal agency web sites being used for, and what are the information-gathering practices of the agencies?'' Right now, I don't know. And the American people don't know.

I have asked GAO to investigate which agencies are using cookies, how they are using them, and whether the practice violates the law and Administration policy. The amendment I have sponsored will provide further information from the Inspectors General on how agencies collect and use personal information. The language is based on a similar amendment that was offered to the House Treasury-Postal bill by Democratic Congressman JAY INSLEE. I want to thank Congressman INSLEE for working in a bipartisan way to protect citizens' personal privacy.

Mr. President, the American people have a right to know what information is being collected about them on Federal Web sites. This amendment would ensure that we know agencies' data collection practices so that we in Congress can make sure that privacy rights of citizens are not being violated.

Mr. HARKIN. Mr. President, we are finally at the finish line at the end of a legislative triathalon. It's been a long, difficult road, but we've finally come up with a health and education appropriations bill for this fiscal year. It truly was a test of endurance. Not only can we take pride in having survived the experience, but, even more importantly, we've produced a bipartisan agreement that is a victory for the health and education of our nation.

This agreement is not only a model for giving our nation the building blocks we need for a strong and secure future. It is a model of how Democrats and Republicans can work together across party lines to do what is the best interest of the American people.

Believe me, it hasn't been easy. Before the election, Senator STEVENS, Senate BYRD, Senator SPECTER, and I, along with Congressmen BILL YOUNG, DAVE OBEY, and JOHN PORTER worked for months to craft a solid bipartisan agreement. At times the negotiations got heated, but both sides hung in there, and in the end we came up with a good compromise.

That bipartisan agreement would have passed overwhelmingly in both the House and the Senate—which is why we were all just baffled when, less than 12 hours after we had signed our names to the bill, a tiny faction of the House Republican leadership decided to kill it.

As a result, some reductions had to be made, some of which were very disappointing. I hope that in the next Congress, a spirit of cooperation and civility will prevail and prevent these sort of last-minute, partisan maneuvers.

That being said, I believe that the version of our bill that we have here today is a very, very good one. It maintains most of our hard fought gains and provides critical investments to improve health care, education, and labor conditions for all Americans.

I want to extend my sincere thanks and commendation to my long-time partner, Senator ARLEN SPECTER and his staff. We have had a great bipartisan partnership on this bill for a decade. Year after year, Senator SPECTER has done yeoman's work, and it is a pleasure to work with him. This is always a difficult bill to maneuver and this year may have been our toughest.

I also want thank and commend our chairman, Senator STEVENS, and ranking member Senator BYRD for their great work. This bill would not be possible without their outstanding and steadfast efforts.

Finally, I want to thank our colleagues on the House side, Congressman OBEY, Congressman PORTER, and Chairman BILL YOUNG. I especially want to commend Congressman PORTER who is retiring this year.

Here are some of the reasons why I urge all of my colleagues to support this important bipartisan agreement.

Education funding: $1.6 billion to lower class sizes, up from $1.3 billion last year; $900 million to repair and modernize crumbling schools: should result in over $5 billion in school repairs, based on successful Iowa model; and increase to $3,750 for the maximum Pell grant—that's a record increase in the grants to make college more affordable; and $6.2 billion for Head Start: that's a $933 million increase from last year which will allow thousands of additional children to be served.

Afterschool care: $850 million for after school care: nearly 50 percent increase.

Home heating: $1.4 billion for LIHEAP to help low-income Americans heat their homes this winter: a $300 million increase.

Health care: $20.3 billion for NIH funding: $2.5 billion increase, the largest increase ever; thousands of new research projects on Alzheimer's, cancer, childhood diabetes, HIV, Parkinson's disease, cerebral palsy, and others; $125 million for new program to assist family caregivers struggling to keep elderly loved ones in their homes—provide respite and other needed services.

I am also especially excited about the funding in this bill for the Medical Errors Reduction Act of 2000 which Senator SPECTER and I introduced. Medical errors are estimated to be the 5th leading cause of death in this country. In fact, more people die from medical errors each year than from motor vehicles accidents (43,458), breast cancer (42,297), or AIDS (16,516). Our bill gives grants to states to establish reporting systems designed to reduce medical errors. It also calls for better research, training and public information on the issue of medical errors.

I'm also very proud of the funding in this bill for numerous programs that will give people with disabilities a real choice to live in their own communities near their families and friends. Most notably, this bill includes $50 million for systems change grants to help states reform their long-term care systems and make it easier for people with disabilities and the elderly to live at home.

This is just the beginning of our work to help states meet their so-called Olmstead obligation to provide services and supports to people with disabilities in the most integrated settings appropriate and feasible. This year is the 10th anniversary of the Americans with Disabilities Act, and these provisions are a great way to implement the ADA's ideals of independence and justice for all.

Finally, I would like to mention how pleased I am with the FAIR Act—the Medicare Fairness in Reimbursement Act—that is attached to the LHHS Appropriations Bill, I, Senator THOMAS, and several other Members of Congress introduced this bipartisan bill to provide Medicare providers relief from the excessive payment reductions resulting from the 1997 Balanced Budget Act. This bill will allow approximately 30 states, including Iowa, to benefit from fairer Medicare payments to states below the national average.

This bill allots approximately $35 billion over 5 years for reimbursement improvements to hospitals, home health agencies, nursing facilities, rural health providers and Medicare managed care. It will help our struggling rural hospitals, nursing facilities and home health agencies continue to provide quality care to seniors in Iowa and across the nation.

The bill will also help to improve enrollment rates for families and children in Medicaid and the Children's Health Insurance Program.

While I'm disappointed that our original LHHS Appropriations compromise was derailed, this bill is still a major step forward. It provides important investments in the health, education and productivity of all Americans.

This bill would not have been possible without the tireless, often heroic work of my staff. They's worked late nights and long weekends, and I am incredibly grateful for their expertise and excellent advice. I would especially like to thank Ellen Murray, Lisa Bernhardt, Peter Reinecke, Katie Corrigan, Sabrina Corlette, and Bev Schroeder for their outstanding work.

In passing this bill, I am hopeful that we will move beyond the partisan bickering that stalled our negotiations for so long.

With this year's elections, the American people sent us a strong message. They gave us one of the closest Presidential elections in history along with an evenly divided Senate and a closely divided House.

Clearly, they are tired of the bickering and bitterness that have characterized our politics, and they want us to bridge our differences and work together for their best interests. It is now time for us to come together and heed their call.

Mr. ENZI. Mr. President, I rise today to discuss the passage of the FY 2001 Omnibus Appropriations bill. Had I been given the opportunity to cast a recorded vote on this legislation, I would have voted ''no.''

There were a lot of things slipped in without prior authorization for the spending. I hope in the next Congress we can work with a new administration to clean up the process. Projects should go through a separate authorization process. All Members should have the same opportunity to review the projects in the bill and the public should know what is being funded. There are a number of us who would also like to see biennial budgeting so we have a chance to really evaluate how taxpayer money is being used.

We didn't even have a final funding total available to us before the vote. I know funding for labor and health and other related areas increased dramatically in this deal to nearly $13 billion more than last year's levels. These significant funding levels are not a one-time activity in the Congress—it has become an annual ritual. It's just too much. This is money that should be going to pay off the national debt. We must break the pattern of spending our children's future.

Some increases in the overall spending package were needed, including more support for education and nearly $36 billion in Medicare payments to healthcare providers. Wyoming rural hospitals and nursing homes will benefit from this effort. There are some very good things in this bill, but looking at the whole picture, the bad outweighed the good.

I am also very displeased that budget negotiators left out of the package a previously passed amendment which would have prevented the Occupational Safety and Health Administration (OSHA) from going forward with a massive new repetitive stress injury rule. The ergonomics rule could leave injured workers' compensation systems in ruin, close nursing homes and overshadow existing safety needs. The Senate and House agreed by a bipartisan vote on identical language that would require OSHA to slow its furious rush.

The amendment would give the agency time to go back and fix the terrible flaws with this rule that have been brought to light. This new regulation will affect the whole of workplaces in America. It carries serious consequences. I am most displeased that this rule will be finalized and I will work with my colleagues to overturn it.

Mr. BAUCUS. Although I am unable to vote for or against the omnibus legislation before the Senate today, I would like to comment on the process that brought us here. In an effort to improve the economy of my state and to facilitate trade between America and its East Asian trading partners, I have led a trade mission of Montanans to East Asia for the last several days, meeting with trade officials in Japan, China and Korea.

Mr. President, I am extremely concerned about the process that has brought about this omnibus bill's passage. It is unfortunate that the Senate finds itself in virtually the same position as it did the last two years with appropriations matters. As my colleagues will recall, in 1998 we voted on a giant omnibus appropriations bill which contained eight appropriations bills, plus numerous other authorizing legislation. It ran on for nearly 4,000 pages and was called a ''gargantuan monstrosity'' by the distinguished Senator from West Virginia, Senator BYRD.

Unfortunately, we did not learn our lesson in 1998. Last year Congress wrapped Medicare provider payments into appropriations for Commerce-State-Justice, Foreign Operations Appropriations, Interior and Labor-HHS, again passing it in omnibus fashion without time for senators to read through the bill and raise concerns about its contents.

I voted against the 1998 and 1999 omnibus bills, not because they did not contain good provisions for the country and my State of Montana. They did. I opposed these bills because I believed—as I do now—that writing such legislation behind closed doors among a small group of people dangerously disenfranchises most senators, House members, and the American people.

And here we are again, passing Labor-HHS along with Treasury-Postal and Legislative Appropriations—all in one bill, with the input of very few members of Congress. Despite statements in 1998 and 1999 that such a process would not happen again, we find ourselves in the same position as the last two years. Mr. President, we already face a population that is increasingly cynical of government and those who serve it, and the wrangling over the presidential election that just ended has not helped matters. People believe more and more that government does not look after their interests, but only after special interests. And the more we operate behind closed doors, without an open, public process, the more we feed that cynicism. That is not healthy for our democracy or our people, and it's why I cannot support this omnibus bill.

That said, Mr. President, there is good news for Montana health care in this bill, provisions that I have fought for all year. In particular, I want to reiterate my support for year-long efforts to restore funding to health care providers negatively impacted by the Balanced Budget Act, BBA, of 1997.

When the BBA was passed in 1997, it was heralded as landmark legislation to extend the life of Medicare's trust fund and impose some much-needed fiscal discipline on the program. Indeed, just eight years ago, estimates indicated that Medicare's hospital trust fund would run dry in 1999. But a strong economy and reductions in payments to Medicare providers through the BBA have extended the life of the Part A Trust Fund for probably a couple of decades. Unfortunately, access to quality health care may have been compromised in the process.

For example, the BBA included new prospective payment systems for Medicare providers of hospital, skilled nursing and home health care. While these payment systems are intended to introduce efficiency to Medicare and ultimately increase the quality and availability of patient care, in some cases they may not make sense. I am concerned that PPSs may be ill-applied in the case of small, rural facilities, which do not have the patient volume to survive under a system of flat-rate payments.

Consider home health care, for example. As costs for this important benefit spiraled out of control, and as reports circulated of fly-by-night home care agencies defrauding the government and harming patients, Congress passed a home health prospective payment system as part of the BBA. Payments were reduced drastically. While these cuts were justified in regions of the US with too many home care providers, they also took effect where there was not a redundancy of agencies. Now there are some Montana counties lacking home care providers altogether. Montana has lost seven home health agencies, and there are currently three counties in my state with no home care provider at all. Together these three counties—Rosebud, Treasure and Big Horn—have an area over 23,000 square miles, an area nearly the size of West Virginia.

I believe BBA changes have gone too far in the area of hospital care as well. Last year I pushed legislation to spare small rural hospitals drastic cuts in Medicare reimbursement to their outpatient departments by exempting them from the negative impacts of the outpatient prospective payment system. Based on estimates from the Health Care Financing Administration, the effects of the outpatient PPS would have been devastating on small Montana hospitals. Madison Valley Hospital in Ennis, Montana, for example, would have lost an estimated 62 percent of its outpatient Medicare payments without an exemption from the outpatient PPS; Liberty County Hospital in Chester would have lost over 50 percent.

I was pleased that Congress acted to prevent cuts to these outpatient facilities last year, through passage of the Balanced Budget Refinement Act of 1999, BBRA, legislation restoring $16 billion in Medicare and Medicaid payments over a five-year period.

This year's budget bill has significant BBA relief as well. Although I believe too much of the funding is directed toward Medicare+Choice plans, there is significant help in the package for the well-being of Montana health care and Medicare in general. These provisions include increased reimbursement for telemedicine; special payments for rural home care agencies and rural disproportionate hospitals; correction of a mistake affecting Critical Access Hospitals' outpatient lab facilities; relief for community health centers and rural health clinics; and redistribution of unspent funding from the State Children's Health Program, SCHIP. In short, I am pleased that BBA relief is set for passage, and I commend the Administration and my colleagues for setting aside politics to get this bill done.

I would also like to make a couple of comments about the tax legislation in this omnibus bill. In this area too, I object not so much to what is in this bill as I do to what is not. The tax title of the bill includes a number of provisions to encourage economic development in distressed communities, the so-called Community Renewal and New Markets provisions. I support these provisions because I believe they can help spur economic development in many areas in the country, including in my own home State of Montana. I also support the language that allows Indian tribes to be treated like state and local governments in their payment of Federal unemployment taxes.

However, in this closed process of negotiation by the few, several good ideas that were in the Senate version of the Community Renewal bill somehow never made it into this conference report. There is not one single dollar in this bill to help Americans save for their retirement, which is a high priority of mine because I believe our country needs to begin preparing for the wave of baby boom retirements. The Senate bill included a wide-ranging farm package that is very important for rural areas that you won't see in this bill. It also included environmental and energy incentives that were designed to help us plan for the future. The loss of these provisions will become much more noticeable as our land and energy needs keep growing.

The bottom line is that there is a reason that tax items should not be included in an appropriations omnibus bill at the last minute, particularly when the tax-writing committees are left out of the process of writing the

bill. That is exactly what has happened again this year, and I again voice my objections to the process.

Ms. COLLINS. I rise in support of the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act which we are considering as part of this omnibus package and which provides over $30 billion in much needed financial relief to our nation's beleaguered hospitals, home health agencies, hospices and other Medicare providers over the next five years.

In 1997, Congress and the White House faced a large and seemingly intractable federal budget deficit and projection that the Medicare Trust Fund would be bankrupt by 2002 unless Congress acted. The rapid growth in Medicare spending and pending insolvency of the trust fund understandably prompted the Congress and the Administration, as part of the Balanced Budget Act of 1997, to initiate changes that were intended to allow the spending growth and make Medicare more cost-effective and efficient.

These measures, however, have inadvertently produced cuts in Medicare spending far beyond what Congress intended. In 1997, the Congressional Budget Office estimated that the BBA would cut Medicare spending by $116 billion from 1998 to 2002. It now appears that the five-year impact of the BBA for hospitals, home health agencies and other Medicare providers is closer to $227 billion—almost twice the original estimates.

These deeper than expected cuts in Medicare spending, coupled with onerous regulatory requirements imposed by the Clinton Administration, are inhibiting the ability of hospitals, home health agencies, and other providers to deliver much-needed care, particularly to chronically-ill patients with complex care needs. While the Balanced Budget Refinement Act of 1999 did provide some relief, I believe that it is imperative that we do more. As we approach the end of the 106th Congress, we should have no higher priority.

I am particularly pleased that the package we are considering today provides overdue relief for our nation's rural hospitals. Small, rural hospitals in Maine and elsehwere face unique challenges in the delivery of health care services. Shortages of physicians, nurses and other health professionals make it difficult to ensure that rural residents have access to all of the care that they need. Moreover, Medicare reimbursement policies tend to favor urban areas and often fail to take the special needs of rural providers into account.

One relatively simple, but nevertheless important step we can take is to enable more small, rural hospitals in Maine and elsewhere to qualify for enhanced Medicare payments under the Medicare Dependent, Small Rural Hospital Program. I am therefore pleased that this bill includes legislation that I introduced, the Small Rural Hospital Program Improvement Act, to update the antiquated and arbitrary classification requirements that prevent otherwise-qualified hospitals from receiving assistance under this program.

Despite the fact that most of the small rural hospitals in Maine treat a disproportionate share of Medicare beneficiaries, none of them currently qualifies for this program. Not a single one. If updated in the way that this bill proposes, as many as nine Maine hospitals will be eligible for the program, which will qualify them to receive over $9 million in additional Medicare dollars each year.

The bill also includes legislation introduced by the senior Senator from Maine, Senator SNOWE, to correct a drafting error that precluded some of Maine's sole community hospitals from benefiting from the rebasing provisions in the Balancing Budget Refinement Act. This provision will bring an additional $2.8 million in Medicare reimbursements to Maine's hospitals each year.

In addition, the legislation corrects the current inequity in the Medicare Disproportionate Share Hospital program that discriminates against rural hospitals that care for proportionately greater numbers of low-income patients. By treating rural hospitals the same as urban hospitals, as this bill would do, we will increase Medicare disproportionate share payments to at least 18 of Maine's hospitals by more than $8 million a year.

And finally, the legislation will provide increased Medicare payments to all Maine hospitals by providing them with a full 3.4 percent inflation increase in FY 2001, up from the 2.3 percent they would receive under current law.

Increasing Medicare payments rates is critically important to the hospitals in Maine. For the past several years, Maine has ranked 49th or 50th in the nation in terms of Medicare reimbursement-to-cost ratios. While hospitals in some states receive more than it costs them to provide care to older and disabled patients, Maine's hospitals are only reimbursed about 80 cents for every $1.00 they actually spend caring for Medicare beneficiaries.

As a consequence, Maine's hospitals have experienced a serious Medicare shortfall in recent years. The Maine Hospital Association anticipates a $174 million Medicare shortfall in 2002, which will force Maine's hospitals to shift costs on to other payers in the form of higher hospital charges. This Medicare shortfall is one of the reasons that Maine has among the highest insurance premiums in the nation. These provisions will not solve all of Maine's Medicare shortfall problems, but they will help to close the gap.

I am also pleased that this bill extends and increases funding for two diabetes research programs created by the Balanced Budget Act of 1997, one focused on juvenile diabetes and the other focused on diabetes in Native Americans. These two programs are currently only funded through 2002. The Medicare, Medicaid and S–CHIP Benefits Improvement and Protection Act would extend funding for these two programs for one year and increase their funding levels from $30 million a year to $100 million a year.

As the founder and Co-Chair of the Senate Diabetes Caucus, I have learned a great deal about this serious disease and the difficulties and heartbreak that it causes for so many Americans and their families as they await a cure. We were all encouraged by the news earlier this year that twelve individuals from Canada appear to have been cured of their diabetes through an experimental treatment involving the transplantation of islet cells, and I believe that it is becoming increasingly clear that diabetes is a disease that can be cured, and will be cured in the near future, if sufficient funding is made available.

Last year, the Senate Permanent Subcommittee on Investigations, which I chair, held an oversight hearing to determine if the funding levels for diabetes research at the National Institutes of Health (NIH) are sufficient. At the hearing, the Committee heard testimony from the Diabetes Research Working Group (DRWG), an expert panel that studied the status of diabetes research at the NIH and across the country. The study revealed that diabetes research has been seriously underfunded. According to the DRWG, diabetes research represents only about 3 percent of the NIH research budget, which is clearly too small an investment for a disease that affects 16 million Americans and accounts for more than 10 percent of all health care dollars and nearly a quarter of all Medicare expenditures. Moreover, the DRWG report found that ''many scientific opportunities are not being pursued due to insufficient funding,'' and that the current ''funding level is far short of what is required to make progress on this complex and difficult problem.'' According to the DRWG, the funding levels for diabetes at the NIH are roughly $300 million short of what is necessary to ensure that the promising scientific opportunities in diabetes research are realized.

The legislation we are considering today will help to close that gap and will make an enormous difference to the millions of Americans whose lives are affected every day by diabetes. By extending and increasing the funding for these two important research programs, we are providing the additional resources necessary to take advantage of the unprecedented opportunities for medical advances that should lead to better treatments, a means of prevention, and eventually a cure for this devastating disease.

Finally, I am pleased that the bill we are considering today does provide a small measure of relief to our nation's struggling home health agencies, and in particular to those agencies that serve patients in rural areas. I am,

however, disappointed that it does not do more. I will therefore continue to push not just for a delay—as this measure proposes—but for a full repeal of the automatic 15 percent reduction in home health payments that is currently scheduled to go into effect on October 1, 2001.

The Medicare home health benefit has already been cut far more deeply and abruptly than any other benefit in the history of the Medicare program. An additional 15 percent cut in Medicare home health payments would ring the death knell for those low-cost agencies that are struggling to hang on and would further reduce our senior's access to critical home health services.

Moreover, the savings goals set for home health in the Balanced Budget Act of 1997 have not only been met, but far surpassed. The CBO projects that the post-BBA reductions in home health will be about $69 billion between fiscal years 1998 and 2002. This is over four times the $16 billion that Congress expected to save when it passed the 1997 law. Further cuts clearly are not necessary and the 15 percent cut should be repealed. To simply delay the cut for an additional year is to leave this ''sword of Damocles'' hanging over the head of our nation's home health agencies.

I have also been disappointed that the process under which we are considering this critical piece of legislation has not allowed for any amendments. The Home Health Payment Fairness Act, which I introduced with my colleague from Missouri, Senator BOND, to repeal the 15 percent cut currently has 55 Senate cosponsors. If I had been allowed to offer my bill as an amendment, as I had planned, it almost certainly would have passed.

Thank you, Mr. President, and I urge my colleagues to join me in voting for this important legislation.

Mr. KOHL. Mr. President, I rise today in support of the Hart-Scott-Rodino Act reform included in the Commerce-Justice-State appropriations bill. Our provision updates the law, which hadn't been adjusted for inflation since it was enacted in 1976, and makes several improvements to the merger review process undertaken by the Antitrust Division of the Department of Justice and the Federal Trade Commission. It is a bipartisan measure, authored by Senators HATCH, LEAHY, DEWINE, and myself and Representatives HYDE and CONYERS, and it deserves our support.

The Hart-Scott-Rodino Act is crucial to the enforcement of competition policy in today's economy—it ensures that the antitrust agencies have sufficient time to review mergers and acquisitions prior to their completion. The statute requires that, prior to consummating a merger or acquisition of a certain minimum size, the companies involved must formally notify the antitrust agencies and must provide certain information regarding the proposed transaction. For those transactions covered by the Act, the parties to a merger or acquisition may not close their transaction until the expiration of a waiting period after making their Hart-Scott-Rodino Act filing. It also authorizes the government to subpoena additional information from merging parties so that the government has sufficient information to complete its merger analysis.

While this statute has a very laudable purpose, especially with the tremendous numbers of mergers and acquisitions taking place in recent years, some of its provisions are in need of revision. Most importantly, while inflation has caused the value of a dollar to drop by more than a half in the past 25 years, the monetary test that subjects a transaction to the provisions of the statute has not been revised since the law's enactment in 1976. As a result, many transactions that are of a relatively small size and pose little antitrust concerns are nevertheless swept into the ambit of the Hart-Scott-Rodino review process. This legislation updates this statute to better fit into today's economy by raising the minimum size of transaction covered by the Hart-Scott-Rodino Act from $15 million to $50 million. This will both lessen the agencies' burden of reviewing small transactions unlikely to seriously affect competition and enable the agencies to allocate their resources to properly focus on those transactions most worthy of scrutiny.

Further, exempting small transactions from the Hart-Scott-Rodino process will significantly lessen regulatory burdens and expenses imposed on small businesses. The parties to these smaller transactions will no longer need to pay the $45,000 filing fee—or face the often even more onerous legal fees and other expenses typically incurred in preparing a Hart-Scott-Rodino filing—for mergers and acquisitions that usually don't pose any competitive concerns.

In exempting this class of transactions from Hart-Scott-Rodino review, however, it is important that we not cause the antitrust agencies to lose the funding they need to carry out their increasingly demanding mission of enforcing the nation's antitrust laws. This bill will reduce the number of Hart-Scott-Rodino filings and therefore reduce the revenues generated by these filings if the filing fees were kept at their present level. Of course, in a perfect world, we wouldn't finance the Antitrust Division and the FTC on the backs of these filing fees. But because they are a fact of life, the antitrust agencies should not be penalized by these reforms by suffering such a reduction in revenues. As a result, in order to assure that this reform is revenue neutral, we have worked with the Appropriations Committee to ensure that this bill raises the filing fees for the largest transactions. Consequently, filing fees are to be increased for transactions valued at over $100,000,000, which makes sense because these transactions require more scrutiny.

This legislation makes other changes designed to enhance the efficiency of the pre-merger review process. The waiting period has been extended from twenty to thirty days after the parties' compliance with the government's request for additional information, a more realistic waiting period in this era of increasingly complex mergers generating enormous amounts of relevant information and documents. And, as in the Federal Rules of Civil Procedure, when a deadline for governmental action occurs on a weekend or holiday, the deadline is extended to the next business day. This simple provision will eliminate gamesmanship by parties who currently may time their compliance so that the waiting period ends on a weekend or holiday, effectively shortening the waiting period to the previous business day.

Finally, in recent years may have expressed concerns regarding the difficulties and expense imposed on business in complying with allegedly overly burdensome or duplicative government request for additional information. So our legislation also contains carefully crafted provisions to ensure that business is not faced with unduly burdensome or overbroad requests for information, while assuring that the antitrust agencies' ability to obtain the information necessary to carry out a merger investigation is not hampered. Specifically, our legislation mandates that the FTC and Antitrust Division designate a senior official who does not have direct authority for the review of any enforcement recommendation to be designated to hear appeals to the appropriateness of the government's information request (the so called ''Second Requests''). The bill also sets forth the specific standards that this senior official is to utilize when considering such an appeal and mandates that these appeals be heard in an expedited manner.

In sum, I believe this legislation to be a reasonable and well balanced reform of our government's vital merger review procedures. It will make long overdue adjustments in the filing thresholds—ensuring review of those mergers in most need of governmental scrutiny while reducing the burden and expense on government and private parties by exempting smaller transactions from often expensive and time consuming pre-merger filings. It will also significantly reform the merger review process to ensure that the government has sufficient time to analyze increasing complex merger transactions, while also adding protections so that private parties do not face unduly burdensome or duplicative information request. I urge swift passage of this measure.

Ms. SNOWE. Mr. President, I rise today to express my concerns about the lack of commitment for forward funding for the Low Income Heating Energy Assistance Program for fiscal year 2002. Mr. President, as you know, LIHEAP is a block grant program to

the states to assist needy households with energy assistance. Since FY1999, the program has been funded at $1.1 billion, plus $300 million for weather emergencies. I am pleased to note that, through our efforts, the Labor-HHS Conference Report provides $1.4 billion for FY2001, with a contingency fund of $300 million for emergencies. To my great dismay, however, the $1.4 million provided to help the States budget for next winter—the winter of 2001–2002—was cut from the final package.

We need to face the fact that our nation is budgeting by emergency when it comes to making sure that our low-income citizens, particularly the elderly, can keep warm in the winter. This past year, there were four different releases of the FY2000 emergency funds, most of which were released by mid-February, 2000. Currently, there is only $155,650,000 remaining in the FY2000 emergency funds and I am aware that the White House is coming to a decision soon as to how to dispense these much-needed funds. I have joined many of my colleagues at different times over the past year urging these releases along with the currently needed release.

I have also urged an increase in the regular funding for the States programs, along with forward funding for the next fiscal year so that the States can appropriately budget for each successive year so as to extend the benefits to as many eligible people in need as possible.

Currently, Mr. President, Maine's LIHEAP program has borrowed from the State's ''rainy day fund'' in the hopes that the State would ultimately get paid back. Today is December 15—two and a half months into the fiscal year—and they are still waiting. Because the Legislature had the foresight to lend out this money, the Community Action Agencies were able to get funding to LIHEAP beneficiaries last July so they could buy home heating oil when it was cheaper.

Like last winter, Maine's LIHEAP program is currently receiving an extraordinary amount of applications for help. Anticipating a colder winter and higher prices this winter, the State has budgeted to accommodate more applications—they have already processed over 26,000—but to do this, they have had to reduce the benefit from $488 last year down to $350 currently. They are hearing that, because of the high prices—as high as $1.63 per gallon—the $350 does not allow LIHEAP recipients to fill their oil tank even once as we move into the colder New England winter months ahead.

We have a critical problem facing the country in the upcoming winter months, Mr. President. It is said that misery loves company, and it is my sense that, given the skyrocketing natural gas prices being experienced by all parts of the country, the Northeast will have lots of company this winter as more and more constituents with low incomes, particularly the fixed-income elderly, worry about where the money will come from to pay their heating bills to keep warm. This is a very unhealthy situation.

I have spent this entire year appealing for more LIHEAP funding to protect the most vulnerable members of our society so they will have energy assistance when they need it most. I will continue to do so in the next Congress in the hopes that we will all step up to the plate and not only increase the overall LIHEAP funding but to forward fund the program so the states an be fiscally responsible and accommodate as many people as possible with this vital benefit.

The ongoing problem continues to be one of supply and demand as natural gas and heating oil inventories remain historically low, and the increased costs caused by this imbalance will not right itself in time for the cold winter weather when demand will rise sharply. This situation prices the low-income households right out of the market and they find themselves making ''Solomon choices'' for heating or eating, or by cutting down on necessary and costly prescription drugs.

It is logical that when costs are doubled, those served by the LIHEAP program are decreased by the same amount. And, we should keep in mind that only around 13 percent of households that are eligible for the LIHEAP program actually even receive Federal assistance. Colder weather, higher costs and tighter budgets could have the effect of raising this percentage upward.

Because Maine received over $5.3 million in emergency LIHEAP funds this past winter, my State was able to increase the income limits to serve more eligible residents with their high energy costs. Maine was able to increase the income guidelines to 170 percent of the Federal Poverty Guidelines and assist over 50,400 households with a fuel assistance benefit averaging $488, almost twice last year's $261.

Mr. President, I look forward to working with you on increased long-range funding that will allow the Community Action Agencies in Maine and other States' LIHEAP programs to plan and budget in advance, so that as many energy needs are addressed as possible. I hope my colleagues will join me next year in efforts for increasing funds so that our States can budget for a safety net that can be extended to as many low-income citizens as possible—and to make sure they do not find themselves literally out in the cold.

Mr. KERRY. Mr. President, I rise today in support of provisions in the Consolidated Appropriations bill for fiscal year 2001 that would transfer a Coast Guard lighthouse on Plum Island to the city of Newburyport, Massachusetts and land on Nantucket Island from the Coast Guard Loran station to the town of Nantucket, Massachusetts. I wish to thank the conferees for including these provisions in this bill.

Mr. President, the Plum Island lighthouse is a national treasure. This conveyance ensures that this historic treasure will be preserved and protected for generations to come. This was included at the request of my constituents in the area. The Coast Guard has always been a good friend and neighbor in Massachusetts. I am pleased that this historic landmark will transferred to Newburyport so that it can be preserved and protected for the citizens and visitors of the City to enjoy for years to come.

Mr. President, the town of Nantucket needs a small amount of property from the Coast Guard Loran Station to build a sewage treatment plant. The Coast Guard has been working with local government officials on the Island to find a solution to this problem. Initially the Coast Guard considered leasing this property to Nantucket, however the Coast Guard later determined that a conveyance was the better solution. I applaud the Coast Guard for working with Nantucket to develop this workable solution.

Mr. THOMPSON. Mr. President, I am pleased that today the Senate passed regulatory accounting legislation in the Treasury-Postal title of the Omnibus Appropriations Act, section 624, also known as the Regulatory Right-to-Know Act. I want to thank Chairman TED STEVENS and Senator JOHN BREAUX for helping me pass this important legislation. We have worked together over the last several years to further some basic important goals: to promote the public's right to know about the costs and benefits of regulatory programs; to increase the accountability of government to the people it serves; and ultimately, to improve the quality of our regulatory programs. This legislation will help us assess what regulatory programs cost, what benefits we are getting in return, and what we need to do to improve agency performance.

By any measure, the burdens of Federal regulation are enormous. By some estimates, Federal rules and paperwork cost about $700 billion per year, or $7,000 for the average American household. I hear concerns about unnecessary regulatory burdens and red tape from people all across the country and from all walks of life—small business owners, governors, state legislators, local officials, farmers, corporate leaders, government reformers, school officials, and parents.

There is strong public support for sensible regulations that can help ensure cleaner water, quality products, safer workplaces, reliable economic markets, and the like. But there is substantial evidence that the current regulatory system is missing important opportunities to achieve these goals in a more cost-effective manner. The depth of this problem is not appreciated fully because the costs of regulation are not as apparent as other costs of government, such as taxes, and the benefits of regulation often are diffuse. The bottom line is that the American people deserve better results from

the vast resources and time spent on regulation. We've got to be smarter.

We often debate the costs and benefits of on-budget programs, but we are just breaking ground on creating a system to scrutinize Federal regulation. This legislation will provide better information to help us answer some important questions: How much do regulatory programs cost each year? Are we spending the right amount, particularly compared to on-budget spending and private initiatives? Are we setting sensible priorities among different regulatory programs? As the Office of Management and Budget stated in its first ''Report to Congress on the Costs and Benefits of Federal Regulations'':

[R]egulations (like other instruments of government policy) have enormous potential for both good and harm....The only way we know how to distinguish between the regulations that do good and those that cause harm is through careful assessment and evaluation of their benefits and costs. Such analysis can also often be used to redesign harmful regulations so they produce more good than harm and redesign good regulations so they produce even more net benefits.

This legislation continues the efforts of my precedessors. Senator BILL ROTH proposed a regulatory accounting provision in a broader reform measure that he worked on when he chaired the Governmental Affairs Committee in 1995. In 1996, when TED STEVENS became our chairman, he passed a one-time regulatory accounting amendment on the Omnibus Appropriations Act. After I became the chairman of Governmental Affairs, I supported Senator STEVENS' amendment when it passed again in 1997. In 1998, I sponsored an amendment to strengthen the Stevens provision with the support of Senators LOTT, BREAUX, SHELBY, and ROBB, as well as a bipartisan coalition in the House. This year, I worked with Senators STEVENS and BREAUX to make this legislation permanent.

This legislation continues the requirement that OMB shall report to Congress on the costs and benefits of regulatory programs, which began with the Stevens amendment. This legislation also adds to previous initiatives in several respects. First, it will finally make regulatory accounting a permanent statutory requirement. Regulatory accounting will become a regular exercise to help ensure that regulatory programs are cost-effective, sensible, and fair. The costs and benefits of regulation can become a regular part of the annual debate between the Congress and the executive branch on the Federal budget. Second, this legislation will require OMB to provide a more complete picture of the regulatory system, including the incremental costs and benefits of particular programs and regulations, as well as an analysis of regulatory impacts on State, local, and tribal government, small business, wages, and economic growth. Finally, this legislation will help ensure that OMB will provide better information as time goes on. Requirements for OMB guidelines and independent peer review should continually improve future regulatory accounting reports.

The government has an obligation to think carefully and be accountable for requirements that impose costs on people and limit their freedom. We should pull together to contribute to the success of responsible government programs that the public values, while enhancing the economic security and well-being of our families and communities.

Mr. President, I ask unanimous consent that a copy of the Regulatory Right-to-Know Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 624. (a) IN GENERAL.—For calendar year 2002 and each year thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

Mr. KERRY. Mr. President, I rise today in support of a provision in the Consolidated Appropriations bill for fiscal year 2001 that would transfer Coast Guard Station Scituate to the National Oceanic and Atmospheric Administration, NOAA. NOAA will use the facility to serve as the headquarters for the Gerry E. Studds Stellwagen Bank National Marine Sanctuary. Since the mid-90s the Coast Guard has shared the facility with both NOAA and the Massachusetts Environmental Police, MEP. Once the Coast Guard has relocated to a new facility NOAA and the MEP will jointly use the facility to both manage and study the marine sanctuary and to perform cooperative enforcement on the water. I am happy to report that NOAA is teaming with the MEP to share resources and facilities to improve fisheries and sanctuary enforcement. It is my understanding that NOAA will be offering the same working and living spaces to the MEP that have been provided in the past by the U.S. Coast Guard. In addition the MEP will have the same berthing and dock space for their vessels. Furthermore it is my understanding that this agreement between the two agencies will mirror the current U.S. Coast Guard agreement with the MEP with respect to terms and conditions.

The Stellwagen Bank Sanctuary is located at the mouth of Massachusetts Bay. It was first described in the diary of Captain Henry Stellwagen, a hydrographer for the U.S. Navy, as ''an important discovery in the location of a fifteen fathom bank lying in a line between Cape Cod and Cape Ann.'' The wealth of sea life that moved below the surface of Captain Stellwagen's vessel has drawn commercial fishing fleets for centuries. The continued use for maritime commerce, whether shipping, fishing or whale watching excursions, presents a major challenge in the enforcement of sanctuary rules.

Today the sanctuary draws as many as one million visitors a year, many of them whale watchers, intent on experiencing a close encounter with a whale—particularly the gregarious and acrobatic humpback. While its numbers at Stellwagen Bank are relatively strong, the species is nevertheless listed as endangered based on its worldwide numbers. The Endangered Species Act and the Marine Mammal Protection Act have been enacted to help protect this and other species; but the oceans are large and enforcement is difficult. I applaud the cooperation shown by NOAA and the MEP to address this critical issue in the sanctuary. This conveyance of property form the Coast Guard to NOAA will solidify this relationship between the MEP and NOAA and will at the same time provide office space and research facilities for teams of scientists to study one of the true treasures of New England, the Stellwagen Bank National Marine Sanctuary.

Mr. CRAPO. Mr. President, in the final days of the 106th Congress, I wanted to take this opportunity to speak about the issue of debt relief and reform of the International Monetary Fund (IMF) and the World Bank.

A great deal of attention has been paid recently to a complicated issue that has faced Congress—the international lending practices of the World Bank group and the IMF. The complexity increases when you factor in calls for the United States to contribute to efforts to write off debt owed by the world's heavily indebted poor countries (HIPCs).

As vice chairman of the Senate Banking Subcommittee on International Trade and Finance, I have conducted a series of oversight hearings on the functioning of the IMF and World Bank. These hearings have only strengthened my belief that the evidence is clear—we should not grant

debt relief without demanding that the international lending institutions such as the World Bank and IMF change their current practices.

I supported Senate passage of the fiscal year 2001 foreign operations appropriations conference report with much reservation.

The bill collectively provides about $435 million toward debt forgiveness for the HIPCs. Of this money, $210 million comes disguised as ''emergency'' spending.

Regrettably, this all goes without any link between relief and reform. The legislation calls for a couple of reports to Congress and a few policy suggestions that the U.S. ought to urge these institutions to adopt, but it has no teeth to force change. The lending institutions pay no consequences for failing to mend their ways . . . this means the consequences of inaction will be borne by, among others, American taxpayers and people in need.

Essentially, the IMF, World Bank, and other international lending institutions are supposed to improve economies of impoverished countries and the health and well-being of people throughout the world.

In the U.S., we are a compassionate people; we share our bounty with many other countries. But many question the effectiveness of how the World Bank and the IMF perform their missions.

The World Bank and IMF lend money to certain countries to use for various purposes—improving infrastructure needs, feeding and immunizing children, and stabilizing the economy, to name a few. But these noble goals have been stymied by corruption, greed, and poor management. What has developed is sadly lacking in results and in much need of reform.

Some advocates of debt relief have tried to delink the issue of debt relief from the issue of reform. I agree with recent remarks that these lending institutions are at the ''root'' of the debt problem. And if we are to weed out the problem, we must pull it up by its roots. We all know that, if you don't pull up weeds by their roots, they merely sprout up again. This serves nobody's interest—least of all the people currently suffering.

We need transparency, accountability, and effectiveness. We need to know where the money is being spent, who is spending it, and how it is benefiting that country and achieving the goals of the World Bank and the IMF.

A General Accounting Office (GAO) report on the World Bank concluded ''[management] controls are not yet strong enough to provide reasonable assurance that project funds are spent according to the Bank's guidelines.''

Simply put, the World Bank can't tell us with any reasonable level of certainty that funds are being spent efficiently and as they are intended to be spent. Other reports have questioned the IMF's practices.

Senate Banking Committee Chairman PHIL GRAMM spoke eloquently about this issue recently on the Senate floor. I know he talked about the Uganda situation at some length. And keep in mind that Uganda has been used as the ''poster child'' of success. It has qualified for debt relief under the original and enhanced HIPC initiatives.

Let me echo the chairman. In May, I wrote Treasury Secretary Lawrence Summers about the Ugandan Government's multi-million dollar expenditure on a presidential Gulfstream jet. As I noted in my letter, Idahoans and others throughout this country sympathize with the plight facing impoverished Ugandans whose annual per capita income is roughly $330. People throughout the world deserve the chance to succeed and thrive. What troubled me was the Ugandan Government's failure to place a high priority on reducing poverty and choosing to expend millions on a luxury aircraft, then essentially asking for and receiving millions in debt relief.

This situation has deeply troubled me. I was even more troubled by Secretary Summers' reply. Secretary Summers basically said the purchase of the plane was not out of the ordinary and he was satisfied that Uganda didn't take money from poverty relief programs to pay for it. As he stated, ''The Ugandan authorities have committed to offset the cost of the aircraft against defense and other non-priority, non-wage expenditures.'' But to me, money is money; if Uganda can find money in its budget to pay for an extravagant jet, it should be able to find money to help its own people in poverty. I imagine $37 million would go a long way toward helping people in a country where the average per capita income is less than $350 a year.

As I have repeatedly noted, when the U.S. Federal Government helped bail out Chrysler, former chairman Lee Iacocca was required to sell the company jets.

And there is another problem—''moral hazard.'' In simple terms, people must be made to bear the consequences of their decisions. If not, they have less incentive to act prudently. If a country knows the IMF will come in and bail them out after making bad decisions, there is little incentive for the country to change its decisionmaking process. Or, if the country knows it will receive IMF funding, perhaps it uses other monies to prop up companies that should be allowed to fail. The moral hazard problem pervades this system. We might all like someone to step in and alleviate the negative impact of bad decisions we make, but this would not encourage us to act wisely. Furthermore, someone else bears those consequences. In the case of troubled countries and the international lending institutions, it is contributors such as U.S. taxpayers who bear the burden. And, honestly, the citizens of the country in question whose situation fails to improve.

So, while we are and should continue to be a compassionate nation, I also recognize the duty of Congress to set good public policy and represent the interests of hard-working Americans.

Chairman GRAMM and I, along with others, only asked that we adopt a proposal that recognizes all of these goals. This was achievable if everyone had been willing to work together.

Unfortunately, the Treasury Department refused to engage in meaningful dialog and compromise with Congress on this issue.

What is even more amazing is that the Treasury Department fought for this spending when estimates suggest that the maximum amount that would be necessary for the U.S. to fund its obligations to the HIPC Trust for this year and next is less than $100 million.

We should not be granting relief without reform.

I assure you that follow-up will be done during the next Congress to illustrate the continued need for Congress and the next administration to alter current U.S. policies and practices.

I completely agree with an editorial in the October 12 Wall Street Journal which stated that ''Any debt write-off that doesn't include radical reform of the international financial institutions . . . will renew the cycle of non-performance.''

Mrs. MURRAY. Mr. President, I want the RECORD to reflect my strong support for the final appropriations measure that we are completing today.

Since the first day I walked into this distinguished Chamber, I have been fighting to bring the priorities of our budget closer to the priorities of America's families. As I talk to parents and students in my State about what would improve their lives, over and over, I hear that a quality education for our students is a top priority for families across this country.

Today is a victory for families. The Labor-HHS-Education appropriations bill shows this Congress is listening to people across this country. It provides a $6.5 billion increase in education spending. This is a 17 percent increase. It makes an investment in the things that matter—reducing class size, improving teacher quality, and repairing and constructing schools. This bill gives the Congress a benchmark to work with the new President who has made education a personal priority.

I have come to the Senate floor numerous times over the years to ask for an investment in reducing class size. This is something that matters to parents, teachers and students across this country. After a year long battle against efforts to eliminate class size reduction funds, this bill provides $1.62 billion final appropriations bill for the purpose of reducing class size.

By making this investment, we are sending an important message to every community in this Nation. Class size reduction is important because it makes a tangible difference in real-world public schools.

I've talked to teachers in my State about class size reduction. These teachers told me the benefits of smaller

class size. They say that when class sizes are smaller, they see better student achievement, fewer discipline problems, more individual attention, better parent-teacher communication, and dramatic results for poor and minority students.

These are the kinds of things we need in our public schools. Our kids deserve this investment.

In Washington State, the funds included in this bill will provide over $25 million to the State for the purpose of reducing class size. Currently, over 600 teachers have been hired with Federal class size reduction funds across the State to reduce class size. With the funds secured this year, Washington State will be able to hire approximately additional 130 new teachers to reduce class size.

This appropriations agreement also makes an important investment in school construction. Students across this country are going to school in inadequate facilities. The majority of students in this country attend schools that are over 40 years old. These have leaky roofs, inadequate heating and cooling, and are not the type of learning environment that goes hand in hand with expecting our students to achieve high standards. This bill makes an investment in school construction, providing $1.2 billion for this purpose.

In addition, it makes an investment in teacher quality. Our districts need help in the area of teacher quality. The districts need to be able to provide teachers the support they need, and make efforts to reach out and bring more highly qualified people into the teaching profession. This appropriations bill provides a $150 million increase over last year in our investment to improve teacher quality.

This bill provides more than a 30-percent increase for IDEA, the biggest increase in the program history. I'm sure there is not a member of this Senate who has not visited a school district and heard the struggles the district faces in funding special education services. This bill provides $1.35 billion more for IDEA than last year. We should not back down from this commitment to our schools.

The bill provides close to a 50-percent increase for after school programs. The funding is raised from $435 million to $851 million.

There is a much needed investment in child care. There is a 70-percent increase in child care funding, bringing the funding up to $2 billion. With these additional funds, nearly 150,000 children will receive child care subsidies.

An increase of over $1 billion in Head Start: These funds would allow an additional 70,000 children to participate in Head Start.

The bill invests in college opportunities for students. The $450 increase in the Pell Grant Program and the substantial increase for SEOG, LEAP, and Federal work-study will give more families the ability to send their children to college.

While I am extremely disappointed that this Congress failed to finish consideration of the Elementary and Secondary Education Act, I am glad we were able to make a commitment to kids through this appropriations bill. Investing in reducing class size, teacher quality, college affordability, and things to help our young children like Head Start and child care are the kind of investments we need in this country.

While these investments are not quite as high as the ones agreed to in October, I still believe we are moving the right direction in this bill by investing in the things that we know work. Kids, teachers and parents across this country deserve these investments.

And while I have focused my remarks on education, I should note that this bill contains vital investments in many key areas like health care. I am immensely proud of the increased investments we are making in health care research at the National Institutes of Health and the Centers for Disease Control. These investments represent our strong commitment to finding cures to life threatening ailments like breast and prostrate cancer, Parkinson's disease, and multiple sclerosis. This bill funds key health projects in Washington State like Children's Hospital and others.

This bill makes an essential investment in health care with $35 billion for BBRA relief. These improvements are imperative for access to quality health care for people everywhere. I cannot emphasize enough the importance of these changes to hospitals, home health, skilled nursing facilities which serve the elderly. Ensuring this population has high quality health care is high priority, and I commend my colleagues for recognizing this pressing need.

As a member of the Labor-HHS-Education Subcommittee, I urge my colleagues to join in support for this bill.

Mr. INHOFE. Mr. President, I rise today to lodge my objection to H.R. 4577. I understand that there will not be a rollcall vote but if there were to be a rollcall vote I would vote ''no.''

Mr. WELLSTONE. Mr. President I want to voice my strong objection to the process by which this legislation is being passed by the Senate. The Omnibus Appropriations conference report—containing numerous other pieces of unrelated legislation—is being passed by the Senate tonight under a consent agreement that was entered suddenly by the Majority Leader without the normal notification process. We should have had a recorded vote. Since I first came to the Senate 9 years ago I have felt that it does the Senate no credit to pass such significant budgetary legislation—literally hundreds of billions of dollars—without a recorded vote. We cannot be held accountable as Senators to our constituents when such bills are passed in this manner. I want to make it clear; I oppose this legislation and I would like the RECORD to show that I would have voted no had there been a recorded vote.

Mr. L. CHAFEE. Mr. President, today we consider legislation that addresses crucial areas of our Nation's tax and health care policy. I applaud the hard work of appropriators and President Clinton in coming to a hard-won agreement on this year's final spending bill. And, I am pleased that we can finally wrap up the business of the 106th Congress and clear the deck for our new President and the 107th Congress.

This bill includes many of my legislative priorities, which I believe will benefit Rhode Islanders, and all Americans.

First: let's focus on those in the area of health care. The health care portion of this measure includes two legislative proposals I authored, and for which I worked hard to build bipartisan support this year: a version of the State Children's Health Insurance Program Preservation Act, and the Medicaid Disproportionate Share Hospital Preservation Act.

The SCHIP provision allows 40 states—including Rhode Island—to retain for two more years $1.2 billion in children's health insurance funds. In extending the deadline for states to spend these federal dollars, we give eligible children in 40 states the opportunity to receive health insurance. In Rhode Island, our state's low-income health care program—known as RIte Care—may be able to retain as much a $8 million in federal funds. That amount would go a long way to cover uninsured children between the ages of eight and 18 in my home state.

My second priority—The Medicaid Disproportionate Share Hospital Preservation Act—would benefit hospitals that serve a disproportionate share of America's 43 million uninsured. It would increase Medicaid DSH payments to these hospitals to defray their costs of treating Medicaid patients—particularly indigent patients with complex medical needs. In all, it would strengthen the safety net for Rhode Island's hospitals—that are struggling as a result of the budget cuts instituted by the Balanced Budget Act of 1997. Indeed, this proposal could save Rhode Island hospitals $10 million over the next two years.

What's more, the initiative before us increases Medicare reimbursements for teaching hospitals, and scales back deep cuts to the home health care industry. And, it bolsters the ability of nursing homes and community health clinics to provide high quality service to those in need. Together, these provisions will go a long way to improve the health care received by the children, the elderly, and the uninsured of our nation.

Turning to the tax provisions, I am heartened that this bill contains many incentives to rebuild distressed communities, both in urban and rural areas. I've cosponsored legislation to foster urban renewal, and I am pleased that this package contains a version of

it. Specifically, this measure would establish 40 renewal communities and designate 9 new empowerment zones that would be eligible for tax breaks.

I am particularly heartened that this measure increases the low-income housing tax credit caps over the next two years. Along with the Rhode Island Housing Authority, I am an ardent supporter of this increase because it will help many low-income families gain access to affordable housing.

What's more, the initiative we consider today accelerates a scheduled increase in the state volume limits on tax-exempt private activity bonds. This provision has broad, bipartisan support, and I am glad we are moving forward with it.

Finally, many of you know that, as a member of the Environment and Public Works Committee, I have worked to win passage of legislation to spur cleanup of lightly contaminated industrial sites—so-called brownfields sites. This bill contains a brownfields expensing provision that promotes the cleanup of environmental contaminants. This is a modest step in the direction of the wholesale reform I've been pressing, but it is an important step towards that eventual goal.

I am pleased that we have finally reached agreement with our counterparts on the other side of the aisle here in the Senate; with our colleagues in the House of Representatives; and most importantly, with the Clinton administration on this broad spending package.

In that spirit of constructive compromise, I will vote in favor of this bill. I urge my colleagues to do the same. I thank the Chair.

THE CULTURAL PROPERTY PROCEDURAL REFORM ACT

Mr. MOYNIHAN. Mr. President, in 1972, the Senate gave its advice and consent to ratification of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, but subject to the passage of implementing legislation by Congress. The implementing legislation—the Convention on Cultural Property Implementation Act (CCPIA)—became law in 1983. I wrote this legislation in the Senate in cooperation with Senators Robert J. Dole and Spark M. Matsunaga. It is technically a revenue measure and came under the jurisdiction of the Senate Finance Committee of which I was then a senior member, later chairman. Earlier I had been Ambassador to India and to the United Nations and was much aware of the issues surrounding cultural property. As Ambassador in Delhi I was responsible for negotiating the return of the Shiva Nataraja. I also was serving at the time as chairman of the board of trustees of the Hirshhorn Museum and Sculpture Garden, and in that capacity I dealt at length with similar issues.

The CCPIA sets forth our national policy concerning the importation of cultural property. As part of the statute, we created the Cultural Property Advisory Committee (CPAC), an 11-member body appointed by the President to advise him concerning foreign government requests that import restrictions be placed on certain archaeological and ethnological material. The statute specified that each member should represent one of four categories: museums (two members), archaeologists/anthropologists (three members), dealers (three members), and the public (three members). There are different interests here, and my purpose was to see that these were represented in any recommendation the CPAC would make. In addition, the CCPIA explicitly states that the CPAC is subject generally to the Federal Advisory Committee Act provisions relating to open meetings, public notice, and public participation in its proceedings. As the last of the authors of the CCPIA remaining in the Senate, it fell to me to keep an eye on its implementation.

Earlier this session I introduced S. 1696, the Cultural Property Procedural Reform Act. Joining me as cosponsors on the bill are Chairman ROTH, and Senators SCHUMER, GRAMM, and BREAUX. Congressman RANGEL introduced companion legislation on the House side. I have pressed this legislation because I feel it provides an essential clarification of the CCPIA.

Unfortunately, time has run out in this session of Congress to pass S. 1696. Although some halting progress has been made by the executive branch in responding to the problems that S. 1696 sought to address, it is clear that the fundamental issues of procedural reform raised by S. 1696 have not been resolved. Therefore, it is imperative that congressional oversight continue in an effort to ensure that the implementation of the Act is faithful to the terms Congress promulgated.

We have seen a number of serious shortcomings in the administration of the CCPIA which led to the introduction of S. 1696. A central concern has been that the procedures of the CPAC remain essentially closed to nonmembers of the committee despite the provisions of the 1983 Act, such as 19 U.S.C. section 2605(h), that generally require open meetings and transparent procedures. I remain concerned that past proceedings before the CPAC and the administering agency have been conducted in almost total secrecy, thus denying interested parties a meaningful opportunity to respond to evidence presented by foreign nations concerning alleged pillage and with respect to the statutory requirements that must be satisfied. The result is that the CPAC is denied a full, unbiased record upon which to make its decisions. A central goal of S. 1696 is to open those proceedings.

The initial step in a CPAC proceeding is the publication of a notice in the Federal Register informing the public of the filing of an application by a foreign government. However, that notice of the request is often so cursory as to effectively deny interested persons an opportunity to contribute meaningfully to CPAC proceedings. An adequate notice should provide descriptive information from the foreign nation about the archaeological or ethnological materials, the pillage of which the requesting country claims is placing its cultural patrimony in jeopardy. This information is particularly important because the 1983 act explicitly authorizes the President to impose import restrictions only on particular archaeological and ethnological materials that are the subject of pillage, which, in turn, is jeopardizing the cultural patrimony of a requesting state.

Any notice of a foreign government's request should, at a minimum, put on the public record the approximate dates during which the cultural material at issue was produced, the approximate dates during which that material is alleged to have been pillaged, the cultural group with respect to which the material is associated (if available), the medium, and representative categories or types of cultural material that the foreign nation asked by barred from import into this country. This information will permit interested parties to prepare themselves to participate in an informed fashion in proceedings before the CPAC.

Requiring the approximate dates of the alleged pillage is essential to carry out the purposes of the statute. Evidence of contemporary pillage is central to the goals of the 1983 act, which is based on the concept that a U.S. import restriction is justified only if it will have a meaningful effect on an ongoing situation of pillage. It is quite obvious that an import restriction in the year 2000 cannot deter pillage that took place decades or even centuries ago. Thus, the approximate dates of the pillage, which a fair notice would provide, is imperative to ensure that the administrative process is faithful to the goals of the CCPIA.

A second concern that led to the introduction of S. 1696 was the absence of meaningful art dealer participation in the proceedings of the CPAC. This year, in fact, art dealers have not been represented at all on the CPAC—all three dealer slots have been and continue to be vacant. This state of affairs is inconsistent with the CCPIA, which established an elaborate process to ensure that the views of archaeologists, art dealers, museums, and the public were taken fully into account when a foreign government asked us to prohibit the importation of archaeological and ethnological materials.

It is reported that the White House is now moving forward to fill all these are dealer vacancies and perhaps the introduction of S. 1696 helped move that process along. To ensure that in the future all interested constituencies are represented on the CPAC, it would be desirable to modify the CPAC quorum provisions to require the presence of at least one member from each statutory category. Moreover, the language describing the CPAC members should be

made consistent across all four categories and consistent with Senate report language stating that the members are to be ''knowledgeable representatives of the private sector.''

Further, discussions on the bill have revealed that the process whereby the Executive Branch reports to the Congress on its actions under the 1983 act needs to be strengthened. Under current law, the CPAC and the State Department are to provide copies of their reports to Congress. These reports have not been transmitted to the Senate Finance Committee, the committee of jurisdiction in the Senate. Significantly, consultations have not occurred routinely on these matters since the original statute was enacted in 1983.

To implement the goals of the 1983 Act for open proceedings, the reporting requirements in the CCPIA should be made more consistent with the traditional consultation and layover provisions used by Congress to ensure adequate consultation. Thus, reports of the CPAC and State Department action should be sent to appropriate jurisdictional committees with a traditional layover period to permit consultation, as appropriate, between Congress and the executive branch. Consultation provisions can be developed that will not impair the executive branch's ability to proceed with import restrictions, after there is an opportunity for consultation with Congress. Such consultation would help ensure that executive branch procedures and actions do not stray from Congress' intent in passing the 1983 act, and would thus help allay concerns of interested persons that the statutory criteria are not being met.

One concern that I have heard repeatedly is that the CPAC and the agencies to which it reports have simply disregarded the multinational response requirement in recent actions imposing far-reaching restrictions on cultural property. Central to our intention in drafting the CCPIA was the principle that the United States will act to bar the import of particular antiquities, but only as part of a concerted international response to a specific, severe problem of pillage. The rationale for this requirement is that one cannot effectively deter a serious situation of pillage of cultural properties if the United States unilaterally closes its borders to the import of those properties, and they find their way to markets in London, Munich, Tokyo, or other art importing centers. Congress intended that the multinational response requirement be taken seriously—indeed its inclusion ensured the passage of the 1983 Act. I am concerned that the executive branch may not be giving serious weight to this requirement.

I am distressed that the procedural changes proposed in S. 1696 cannot be made in this Congress. A fair administration of the 1983 act is vitally important to our citizens and our cultural life. The United States has long encouraged free trade in artistic and cultural objects which has helped create a museum community in our Nation that has no equal. That policy of free interchange of cultural objects was narrowly modified in the 1983 act to respond to specific, severe problems of pillage. A diversion from this posture, which the current administration of the law suggests, can deny the American public the opportunity to view, study, and appreciate cultural antiquities that reflect the multicultural heritage that is the essence of our nation.

I trust, and urge, that the next Congress will address these issues vigorously.

THE COMMODITY FUTURES MODERNIZATION ACT OF 2000

Mr. FITZGERALD. Mr. President, I rise in support of the Commodity Futures Modernization Act of 2000 (''CFMA''), the proposed legislation to reauthorize the Commodity Futures Trading Commission (''CFTC'') and to amend the Commodity Exchange Act (''CEA''). This legislation is the Senate companion of H.R. 5660, which Congressman THOMAS EWING introduced yesterday in the House of Representatives and which is part of the final appropriations measure. As an original co-sponsor of the CFMA, I am proud to join Chairmen GRAMM and LUGAR in supporting legislation to provide much needed regulatory relief to the United States futures exchanges, to remove the eighteen-year-old ban on single stock futures, and to bring legal certainty in the multi-trillion dollar derivatives markets.

The CFMA gives a substantial boost to Chicago's futures industry and the 200,000 jobs that depend on it. The Chicago futures exchanges will be given an opportunity to compete on a level playing field with the world markets. Burdensome federal regulations will be removed and a new regulatory structure will be implemented that will give our nation's most important futures exchanges the ability to compete equally with world markets in product innovation and the ever-changing demands of the marketplace. Chicago's exchanges will now have the opportunity to offer single stock futures so that they can compete with global markets already trading those types of futures. This is potentially an enormous market for Chicago's exchanges and U.S. investors. It goes without saying that this market is absolutely necessary for Chicago to remain the center for world futures trading.

I commend Chairman LUGAR on his efforts to act swiftly to modernize the CEA and to implement the recommendations of the President's Working Group on Financial Markets (''PWG''). The challenges involved in such an undertaking are enormous and I appreciate Chairman LUGAR's thoughtful and comprehensive approach to this complex task. As Chairman of the Subcommittee on Research, Nutrition, and General Legislation, I have been actively involved in the evolution of the CFMA and am committed to working closely with Chairman LUGAR, Chairman GRAMM, and my other colleagues to ensure that the United States derivatives markets remain strong, competitive, and viable. The CFMA codifies the recommendations of the PWG to enhance legal certainty for over-the-counter (''OTC'') derivatives by excluding from the CEA certain bilateral swaps entered into on a principal-to-principal basis by eligible participants. The market for OTC derivatives has exploded over the past two decades into a multi-trillion dollar industry. These large and sophisticated markets play an important role in the global economy and legal certainty is a critical consideration for parties to OTC derivative contracts. Accordingly, the CFMA recognizes that legal certainty for OTC derivatives is vital to the continued competitiveness of the United States markets and achieves this certainty by excluding these transactions from the CEA.

The provisions of the CFMA also address the problem that federal regulation has not adapted to the rapid growth of the financial markets and today serves as a substantial restriction on market competitiveness and modernization. In order for the United States to maintain the most efficient markets in the world, regulatory barriers to fair competition must be removed. The CFMA reduces the inefficiencies of the CEA by removing constraints on innovation and competitiveness and by transforming the CFTC into an oversight agency with less front-line regulatory functions. The provisions for three kinds of trading facilities with varying levels of regulation provide needed flexibility to both traditional exchanges and electronic trading facilities by basing oversight of the futures markets on the types of products they trade and on the investors they serve.

Finally, the CFMA removes the Accord's prohibitions on the trading of single stock futures and small indices. Stock index futures have matured into vital financial management tools that enable a wide variety of investment concerns to manage their risk of adverse price movements. The options markets and swaps dealers offer customers risk management tools and investment alternatives involving both sector indexes and single stock derivatives. It seems only fair that futures exchanges be allowed to compete in this important market.

The CFMA lifts the ban on single and index stock futures restrictions to allow the marketplace to decide whether these instruments would be useful risk management tools and to enhance the ability of the U.S. financial markets to compete in the global marketplace. The bill reforms the Accord to allow both futures and securities exchanges to trade these products under the jurisdiction of their current regulators. The CFMA also allows both the

SEC and the CFTC to enforce violations of their respective laws regardless of whether the products are traded on a futures or securities exchange and requires that the agencies share necessary information for enforcement purposes.

The CFMA represents an arduous effort to remove burdensome regulatory structures and provide much needed legal certainty to the United States derivatives markets. This effort has produced comprehensive legislation that is designed to remove impediments to innovation and regulatory barriers to fair competition for the United States financial markets. The positive impact of this legislation on Chicago's futures markets cannot be overstated. The CFMA is vital to Chicago remaining the derivatives capital of the world and gives Chicago's futures exchanges the ability to lead the way in the potentially explosive single-stock futures market.

RESTRICTING CRUISE SHIP GAMBLING

Mr. STEVENS. Mr. President, I would like to engage the Senator from Hawaii in a colloquy regarding a provision of interest to him, that would restrict cruise ships from gambling in the State of Hawaii. For the benefit of our colleagues, I would like to ask the Senator if he would explain the clear intent of this provision.

Mr. INOUYE. Mr. President, I would be happy to have a brief discussion with Chairman STEVENS on this matter. As he knows, on many occasions I have expressed to my colleagues in this Chamber my strong opposition to gambling in the Hawaiian Islands. Our State of Hawaii is one of only two states in the entire country that prohibits gambling of all kinds. When Federal laws, including the Gambling Devices Transportation Act, more commonly known as the Johnson Act, affecting the ability of cruise ships to conduct gambling operations were relaxed over the past decade, I was involved in drafting those provisions to be sure that the longstanding Federal prohibition against the possession and operation of gambling devices be maintained with respect to the State of Hawaii. Unfortunately, I understand that a foreign cruise line seeks to exploit a loophole in Federal law and circumvent this long standing prohibition. This legislation closes this loophole.

This recent announcement by a foreign cruise line—that is substantially owned by foreign gambling interests—to permanently based a large cruise ship with an extensive casino on board in Hawaii for year-round operation on cruises that will begin and end in Honolulu has prompted this amendment. This amendment ensure that there is no ambiguity in the intent of the Johnson Act's application to the State of Hawaii by expressly preserving the act's original prohibition of the transportation, possession, repair, and use of any gambling devices aboard vessels that embark and disembark passengers in the State of Hawaii, as defined in 19 C.F.R. 4.80a(a)4.

I want to make clear to my colleagues that this provision would not affect any State other than Hawaii. Moreover, it would not prohibit current gambling operations on board cruise ships that, for example, begin or end their cruises on the mainland or in foreign countries, even if they call at multiple ports in Hawaii, so long as the gambling facilities are closed when the vessel is in Hawaii and the passengers do not begin and end their trip in Hawaii. Passengers could either begin or end their trip in the State, but could not do both. A vessel that is operating in dedicated service in Hawaii, however, cannot escape the Johnson Act's broad prohibitions simply by calling at Christmas Island or some other similar foreign port.

I have made clear that I do not want gambling in Hawaii many time and in particular on the occasions that we have debated the Johnson Act and gambling on cruise ships. I have been unwavering in my position that gambling on voyages beginning and ending in Hawaii will not be accepted practice. This provision should clarify any ambiguity in the Johnson Act as to what types of gambling operations on board vessels are allowed and not allowed in Hawaii. I can assure my colleagues that if gambling interests believe they can exploit and circumvent the spirit and intent of Federal laws prohibiting gambling in Hawaii, I will be back in this Chamber to attempt to make the necessary changes to continue our State's longstanding prohibition on such activities.

Mr. STEVENS. Mr. President, we all recognize the Senator's diligence in keeping the gambling industry out of Hawaii. Would I be correct then saying this provision would not have any impact on those cruise ships that begin or end their voyages in a foreign port or on the mainland so long as they don't gamble while in Hawaii?

Mr. INOUYE. The Senator is correct.

Mr. STEVENS. I thank the Senator for his explanation.

Mr. INOUYE. I appreciate the opportunity to explain this matter for our colleagues.

COAL WASTE IMPOUNDMENT STUDY CLARIFICATION

Mr. BYRD. Mr. President, conference report language has been added to H.R. 4577, the fiscal year 2001 Labor/HHS Appropriations bill to address concerns about the safety of coal waste impoundments. A study, which is to be completed by the National Academy of Sciences (NAS) in nine months, will be funded by monies included in the Mine Safety and Health Administration's (MSHA) Fiscal Year 2001 appropriations. Because MSHA has regulatory authority for coal waste impoundment oversight, I hope that MSHA officials will play an active role throughout the course of the study. The NAS study is intended to review the coal waste impoundments and report on viable methods and alternatives to prevent another dam failure like the one that occurred in Martin County, Kentucky, in October of this year.

I would like to clarify the understanding of the chairman and ranking member of the Senate Labor/HHS Appropriations subcommittee regarding this conference report language. Is it their understanding that the NAS study should involve the participation of experts to include, but not be limited to, members of relevant state and federal agencies, such as the Mine Safety and Health Administration, the Office of Surface Mining and Enforcement, the Environmental Protection Agency, as well as industry, labor, citizen, and environmental groups, which have either been, or may be, impacted by impoundments in their areas? Further, in addition to addressing how best to assure the stability of existing impoundments, is it the understanding of my distinguished colleagues that this NAS study should also address alternative methods of coal mine waste disposal and placement in the future?

Mr. SPECTER. As I, too, have had a long-running interest in coal mining and health and safety matters, I thank the Senator for his interest in this important coal matter. Yes, I believe that it is important for a range of stakeholders to be involved in this study as well as to look at both the current and future issues related to coal waste impoundments.

Mr. HARKIN. I would like to thank the Senator from West Virginia for his leadership on this subject. It is also my understanding that relevant federal, state, industry, labor, citizen, and environmental parties should participate in this study so as to gain a broader range of views and recommendations on the current problem and future solutions in order to prevent such problems as he has described from occurring again.

SWAN LAKE-TYEE INTERTIE

Mr. STEVENS. Mr. President, I would like to engage the distinguished chairman of the Senate Interior Appropriations subcommittee in a short discussion on an item which is included on page 171 of the conference report on the recently passed Interior appropriations bill, H.R. 4578. In that bill, there is a reference to utilizing the Alaska ''Job in the Woods'' program for projects ''that enhance the southeast Alaska economy, such as the southeast Alaska intertie.'' May I inquire of the distinguished chairman if that language refers specifically to the currently proposed Swan Lake-Lake Tyee Intertie project for which the Forest Service completed its final environmental impact statement and issued its record of decision on August 29, 1997?

Mr. GORTON. The distinguished chairman of the Appropriations Committee is correct. That reference is specifically intended to refer to the Swan Lake-Tyee Intertie project and was inadvertently referred to as the southeast Alaska intertie. I hope the RECORD

will reflect this clarification and will result in an expeditious use of the funds.

LIHEAP

Mr. HARKIN. Mr. Chairman, as you know, many members on both sides of the aisle have concerns about the Low-Income Home Energy Assistance Program (LIHEAP) and the lack of an advance appropriation for that program in fiscal year 2002. As you know, home heating costs have skyrocketed over the past year in many areas of the country. The LIHEAP program helps over four million low-income households with their heating bills. Usually this appropriations bill includes advance funding for LIHEAP so that states have time to plan their program, but due to a provision in the budget resolution capping advance appropriations we were not able to do so this year.

I hope, as I know you do, that we finish our work on this bill before October 1 next year. But if we do not, I think we should do everything we can to see that any continuing resolution for fiscal year 2002 would include sufficient funds for States to properly run their LIHEAP programs.

Mr. SPECTER. As you know, I have been a strong supporter of the LIHEAP program and I am aware of how essential the program becomes in times of high fuel prices. While I hope that a continuing resolution will not be necessary next year, I would certainly support including funding for the full winter season in the first continuing resolution for fiscal year 2002, if that is necessary.

CATHOLIC SOCIAL SERVICES

Mr. STEVENS. Mr. President, I would like to engage the distinguished chairman of the Senate VA–HUD Appropriations subcommittee in a short discussion on an item which is included on page 79 of the Conference Report H. Rept. 106–988 (H.R. 4635) for the VA–HUD appropriations bill. In that bill, there is funding available for Catholic Community Services. I am told that reference is incorrect and that the funding should actually be made available for Catholic Social Services for renovations and construction at the Brother Francis Shelter and AWAIC's transitional housing. I would ask the distinguished subcommittee chairman whether it was his understanding that Catholic Social Services was the intended recipient of this funding rather than Catholic Community Services, and if so, would the chairman make note of this for the RECORD?

Mr. BOND. The distinguished chairman of the Appropriations Committee is correct. That reference is specifically intended to refer to Catholic Social Services for renovations and construction at the Brother Francis Shelter and AWAIC's transitional housing and was inadvertently referred to as Catholic Community Services. I hope the RECORD will reflect this clarification and will result in an expeditious use of the funds.

Mr. STEVENS. I thank my colleague.

AUTHORITATIVE ROOT SERVER

Mr. BURNS. Will the chairman yield for purposes of a colloquy?

Mr. GREGG. I yield to the Senator from Montana.

Mr. BURNS. I understand that the Internet Corporation for Assigned Names and Numbers, ICANN, intends to request that the Department of Commerce transfer the Internet's authoritative root server to ICANN's control. The authoritative root server is the foundation of the Internet, which cannot function without it. Would the chairman agree that the Department of Commerce should retain control of the authoritative root server until the appropriate committees of Congress have reviewed the legality, appropriateness and implications of such a transfer?

Mr. GREGG. I agree with the Senator from Montana that Congress should be given the opportunity to exercise its oversight responsibility over this important issue.

Mr. HOLLINGS. Will the chairman yield to me on this issue?

Mr. GREGG. I yield to the Senator from South Carolina.

Mr. HOLLINGS. Mr. Chairman, I would like to join you in supporting the statements made by the Senator from Montana. As managers of the Commerce, Justice, State bill, you and I have the responsibility and expectation of providing agencies under our jurisdiction with congressional input and guidance. On an issue of this great importance—transferring the a-root server to ICANN—it is critical we carefully look at the implications a decision like this would have.

Mrs. MURRAY. Will the chairman yield to me on this issue?

Mr. GREGG. I yield to the Senator from Washington.

Mrs. MURRY. I share the concerns expressed by the Senators from Montana and South Carolina about the premature transfer of the authoritative root server to ICANN. Control of this root server includes the power to dramatically affect all aspects of Internet activity, including e-commerce and our national security. The Department of Commerce should not transfer the root server to ICANN until Congress has had the opportunity to review the wisdom of such a transfer.

Mr. GREGG. I agree with the views expressed by my ranking member, Senator HOLLINGS, and the Senators from Washington and Montana on this matter.

ANTIDUMPING DUTIES

Mr. DURBIN. Mr. President, I would like to commend the chairman of the Finance Committee for his bipartisan efforts which resulted in the passage of section 1425 of H.R. 4868, the Miscellaneous Tariff Act. This section is intended to address an unfortunate situation involving the imposition of antidumping duties on a number of entries of conveyor chain from Japan. At the time of these entries, the applicable antidumping duty cash deposit rate was 0 percent. As a result, no cash deposits were made on these entries by the U.S. importer. Through no fault of the U.S. Customs Service, the antidumping duties and interest subsequently imposed when these entries were liquidated as a result of the Department of Commerce administrative review process now represents a severe and unanticipated hardship on the U.S. importer, Drives, Inc., based in Fulton, Illinois. This legislation is intended to address this situation by having the Customs Service reliquidate the entries at the antidumping duty cash deposit rate in effect at the time of entry.

Mr. ROTH. The senior Senator from Illinois is correct and I thank him for his kind words. He is correct with regard to the purpose and intended effect of this section. My understanding is that the antidumping duty order covering these entries has recently been revoked. I also understand that the domestic industry association that was the complainant in the dumping proceedings is aware of this legislation and does not object.

Mr. DURBIN. That is correct. In accordance with this legislation, the identified entries will be re-liquidated with no antidumping duties assessed. Moreover, no interest charges which relate in any way to antidumping duties will be assessed. Since the deposit rate at the time of entry of all of the identified entries was 0 percent, this will have the effect of liquidating the entries at the cash deposit rate in effect at the time of entry.

Mr. ROTH. We should note for the record that during the drafting of this legislation, a few words were inadvertently left out, with the unintended consequence of the language being not as clear as we would like for Customs' interpretation. It was our intent with this legislation that re-liquidation should occur within 90 days of enactment. This was the intent of the Congress when it reviewed and passed this section.

Mr. DURBIN. The senior Senator from Delaware is correct. There was a mistake made in drafting the language. Regardless, the intent of the original legislation, and the intent that can still be interpreted from the law as enacted, is to have the Customs Service re-liquidate the entries at the antidumping duty cash deposit rate in effect at the time of entry. I thank the Senator from Delaware for his guidance and appreciate working with him on a bipartisan basis.

Mr. ROTH. I thank the Senator from Illinois.

ASBESTOS VICTIMS

Mr. DEWINE. I notice my colleague from Ohio, Senator VOINOVICH is on the floor as well as the majority leader. I think I speak for my colleague when I say we are extremely disappointed that our bill, S. 2955, was not able to be passed in this Congress. That bill is very important to asbestos victims and two of our State's largest employers.

As we all probably know, our nation is facing an asbestos litigation crisis. A crisis for which the federal government, in my opinion, shares responsibility. From World War II through the Vietnam war, the government mandated the use of asbestos to insulate our naval fleet from secondary fires. This mandate is the cause of many tragic disabilities. Unfortunately, while the federal government would be one of the largest asbestos defenders due to this mandate, an aggressive and successful litigation strategy to assert sovereign immunity has allowed them to evade any monetary culpability.

Since the federal government is not paying their fair share of the costs, the former asbestos manufacturers are burdened with asbestos claims. Of the approximately 30 original core defendants, over two dozen have gone bankrupt, in large part due to asbestos claims. The situation has reached the crisis stage. Good companies, providing good jobs, and providing payments to victims, are in significant peril. The recent bankruptcies of several former asbestos manufacturers have placed an even more overwhelming burden on the remaining defendants. Due to joint and several liability, the remaining defendant companies are now paying an even higher share of asbestos claims. The markets have taken note. Stock market values are declining, making it more and more difficult for these companies to receive the financing they need to survive. The very future of these companies, the very future of these jobs are at stake.

But, it is not just the companies who are suffering. Asbestos victims are also suffering greatly. They are not receiving the awards to which they are entitled. If something is not done to correct this situation, good companies will continue to go bankrupt, good jobs will continue to be lost, and asbestos victims will not receive any compensation.

We must act now to do this. I understand the majority leader understands and appreciates the urgency of this situation. I would ask that the bill that Senator VOINOVICH and I have introduced would be one of the first bills considered when we return for the 107th.

Mr. VOINOVICH. I wholeheartedly agree with my colleague, Senator DEWINE. I do not think we can stress enough that this really is a matter of survival for these companies and their employees. The government bears some responsibility here, we simply must get this bill done as soon as possible. The companies, their workers, and asbestos victims—after all when the companies go bankrupt it affects payments to victims—need certainty that this will be brought to the Senate floor at the earliest possible date next year. We need to work to keep these companies afloat.

Mr. LOTT. I appreciate the concerns of the two Senators from Ohio. They have made a very strong and convincing case on the need for a solution to this problem. I pledge to work with them to see that this issue is addressed as early as possible in the 107th Congress.

DISASTER-RESISTANT WOOD CONSTRUCTION PROGRAM

Ms. COLLINS. Mr. President, as you know, natural disasters exact a tremendous toll on our nation. In just two decades (1975–1994), 24,000 individuals nationwide lost their lives to natural disasters. An additional 100,000 were injured, and the resulting property damage reached a staggering $500 billion.

Hurricanes are responsible for 80 percent of these $500 billion in damages. The continued rapid building of homes and commercial facilities along our coastlines increases the potential for even higher natural disaster costs in the future. Since Congress often responds to these disasters with emergency supplemental appropriations, it makes sense to also support the development of technologies and building techniques to mitigate damage resulting from hurricanes and other natural disasters.

Mr. GREGG. I agree with my distinguished colleague from Maine that we need to do what we can to mitigate the devastation caused each year by natural disasters. Exciting new building techniques and technologies hold promise in this regard.

Ms. COLLINS. They certainly do. And one of the most exciting technologies involve wood composites. The fact is, most natural disasters directly affect wood construction, which is used for 99 percent of houses constructed nationally. The University of Maine Advanced Engineered Wood Composites Center (AEWC) has developed new technologies to reinforce wood construction materials with fiberglass material. These fiberglass-reinforced wood composites are two to three times stronger, more impact resistant and more ductile than their unreinforced counterparts. Homes and buildings constructed with these advanced materials should greatly enhance occupant protection from hurricanes, earthquakes, tornadic missiles, and other natural threats. In addition to their benefits in new construction, these technologies can be used to retrofit and strengthen existing wood buildings. The University of Maine and its industry partners require $4 million in fiscal year 2001 funds to complete material and wood panel testing on these technologies, and to start developing building code provisions to transition the new disaster resistant panels into residential and commercial construction.

I commend my good friends, Chairman GREGG and the subcommittee's ranking member, Senator HOLLINGS, for their efforts thus far to allocate additional funds to the National Institute of Standards Scientific and Technical Research Services programs. I am particularly pleased with the additional funds that have been allocated to the NIST Building and Fire Research Laboratory, which is ideally suited to develop improved building technologies resistant to natural disaster.

I would strongly encourage the NIST Building and Fire Research Lab to support development work on advanced wood composites, demonstrate the performance of reinforced-wood composites under simulated hurricane wind conditions, and introduce the new construction materials into national building codes and standards.

Mr. HOLLINGS. I thank my good friend and colleague, Senator COLLINS, for her kind remarks regarding this subcommittee's work on the FY '01 Commerce, Justice, State, and judiciary appropriations bill. I recognize the importance of investing in advanced building technologies that can resist damage from hurricanes. As you know, South Carolina has experienced several costly and disastrous hurricanes. Yet our coastal economy continues to expand and to serve as a commercial and recreation resource to our State and the Nation.

I agree with my colleague that development of fiberglass-reinforced wood composites is important, and I also encourage the National Institute of Standards and Technology to support the development and deployment of these materials. Improvements to wood building materials will result in direct benefits to the people of South Carolina and all other coastal communities in the United States.

Mr. GREGG. I thank my distinguished colleague from Maine as well and share her concerns about the impact of natural disasters on the lives of people and on the economy. In the past, government has worked effectively with the building industry to make homes and commercial buildings better and safer through building codes and standards, and by supporting improvements in building technology.

The subcommittee is very interested in the contributions that the NIST Building and Fire Research Laboratory can make to improve the quality of building products. Fiberglass-reinforced wood composites can greatly increase the safety of homes subjected to natural disasters. I agree that the National Institute of Standards should pursue with the University of Maine the development and demonstration of fiberglass-reinforced wood composites for improved building materials.

EXPANSION OF A SUCCESSFUL EXECUTIVE MBA PROGRAM

Mr. L. CHAFEE. Mr. President, I would like to clarify the intent of the conferees regarding a provision in the conference report accompanying H.R. 4576, FY01 Defense appropriations bill (H. Rept. 106–754). Within this legislation is $2 million for the expansion of a successful Executive MBA program, jointly administered by the Naval Undersea Warfare Center (NUWC), Newport, Rhode Island and Bryant College, Smithfield, Rhode Island. The funding

will be used to expand the current student enrollment from 30 to 60 Navy personnel and to expand and upgrade Bryant's technical capabilities. Specifically, funds will be used to expand and upgrade Bryant's network bandwidth to gigabit speed, as well as fund technological enhancements to Bryant's new Bello Center for Information and Technology, allowing Executive MBA students better access to valuable information resources. This, in turn, will assist them in their studies at Bryant. The $2 million for the expansion of this program will not only allow 30 more military/government personnel to earn an MBA at Bryant, but will link those students with expanded technical resources at Bryant. This linkage will allow Executive MBA students access to all information available within Bryant's resources and create the capability to interact with each other and with other students on and off campus.

Is this description what the conferees intend?

Mr. STEVENS. Yes, that is correct.

Mr. GRAHAM. Mr. President, I do not mean to be the skunk at the picnic party, but I believe there are some realities to be faced. Those realities are that we are establishing on the last evening of the 106th Congress some standards that are going to be either positive paths towards greater cooperation in the next Congress or will be impediments to achieving success in what will be the most divided National Government in our Nation's history.

I am afraid what we are doing tonight will not make a positive contribution. The fact is that at 7:08 p.m. on a Friday evening, we are taking up in one enormous piece of legislation—a piece of legislation which dwarfs the New York City telephone directory in size, a piece of legislation which not one single Member of this body or the House of Representatives has ever had an opportunity to read.

The fact that we are about to adopt this legislation without the normal debate and opportunity to understand what is in this bill is not a positive sign because, in my judgment, the kinds of bipartisan cooperation that we will require in the future are going to be based upon respect, understanding, and a due regard for our constituents who also deserve to be served better than we are doing this evening.

It also, frankly, has to be based on a level of trust among Members when commitments are made, that there is a sense of a solemn obligation. This body cannot function, as no human institution can function, unless there is a fundamental level of trust and regard among its membership. This document does not reflect that trust.

My fundamental concern about this appropriations bill, which will expend approximately $180 billion of our taxpayers' money, is that it takes the wrong fundamental path.

Contrary to myth, the 21st century has not begun. The new century will actually commence at 12:01 a.m. on January 1, 2001. The first Congress of the new millennium, the 107th Congress, will convene on January 3. This historic Congress will find itself at the proverbial commencement of the century and a fork in the road. Two very different fiscal paths will lie in front of it.

The path we select will play a major role in shaping our country's future in the 21st century. One path maintains the fiscal discipline that has marked the latter half of this decade. It has played an integral part in creating the longest economic expansion in U.S. history. This expansion has created over 20 million jobs since 1993. It has reduced unemployment to a 30-year low of 3.9 percent in October of this year. During all of this, inflation has remained at its lowest core rate since 1965. Those are all achievements for which we can take considerable pride.

This first path views the projected budget surplus as a means to continue this economic success by continuing to pay down the national debt.

This first path also recognizes that a portion of the surplus should be used to address some of the long-time intergenerational challenges which are confronting our Nation—securing Social Security's future and modernizing Medicaid. Social Security is in fine shape today. Payroll tax revenues exceed the funds needed to pay current benefits by record amounts.

This positive cash-flow, however, will not last long. In just 15 years, payroll tax revenue will no longer be sufficient to pay benefits. We need to act now to strengthen the program's finances so that today's workers and tomorrow's retirees will have the security of knowing that their Social Security benefits will also be paid.

Medicare faces a similar long-term funding shortfall, only it begins 5 years earlier, in 2010. In addition, Medicare has one substantial deficiency. That is its focus on sickness rather than wellness. Thus, Medicare needs to be fundamentally reformed to conform with modern medicine and the desires of its beneficiaries. That will require the inclusion in Medicare of a prescription drug benefit. Virtually every preventive program currently in use has prescription drugs as a substantial component of its treatment modality. A portion of the surplus should be devoted to fixing these deficiencies in Social Security and Medicare.

I just described the first path. There is a second path. That alternate path veers off to a far different destination. That path focuses on short-term desires, the here and now, and foregoes fiscal discipline in favor of new spending programs and tax cuts. It views the surplus as a giant windfall to be doled out to favored constituencies as if Christmas lasted 365 days. In short, this is a path back to the past.

This final bill of the 106th Congress represents another step down the wrong path, the path to the past. The Senate is considering the final 2001 appropriations bill, a bill that combines the Department of Labor and HHS, the Departments of Treasury, Postal, and the legislative branch. This agreement also clears the Department of Commerce, Department of State, and Department of Justice bill for signature.

Discretionary spending in these combined bills totals nearly $182 billion. This bill follows the pattern established by most of the previous appropriations bills considered by the Senate. Its total spending greatly exceeds the standard established by the Senate in the budget resolution adopted in April of this year. Section 206 of the budget resolution proposed a cap on discretionary appropriation spending for the fiscal year 2001 at $600 billion. That level would have allowed discretionary spending to grow at a rate that was above inflation, a rate of approximately 3.5 percent. What do we have before the Senate at 7:15 in the evening of December 15? We have a bill which allows spending to grow by 8 percent, more than twice that tolerated under the budget resolution.

I admit I support many of the programs funded in this bill, but we must exercise restraint. We must establish some sense of priorities. I have spoken on the Senate floor on several occasions earlier this year to decry specific appropriations bills as they were being considered. The common complaint I have had with each of these bills has been that they have been crafted in a vacuum without a clearly defined blueprint to give Congress the full picture of the implications of its actions before it acts. It is as if a carpenter about to build a home would start to build the living room without any awareness of what the rest of the house was going to look like.

The budget resolution should have provided exactly such a blueprint. But it has failed to do so. A good part of the reason it has failed to do so is that it was developed without the full participation of all Members of the Senate. It was a partisan document, representing one point of view but not providing the context around which all Members of this body as reflective of the public of the United States could give their support. In addition, it was crafted with wholly unrealistic expectations of where we were headed.

Let me demonstrate in this chart back to the year 1997. In 1997, we passed a budget resolution that capped discretionary spending at $528 billion; we actually spent $538 billion. By 1998, our commitment to fiscal discipline had grown stronger and we only exceeded the budget resolution by $2 billion. Since that year, every year, we have had substantial deviations from our budget resolution. In every year, we have spent substantially more than we had committed ourselves to do in our budget resolution.

To go back to that example of the carpenter and the house, it is as if the family said: we have a budget. We can afford, based on our income, to build a

$100,000 house. But they build a $125,000 house which stretches their financial capability.

This year we had a resolution that said we spent $600 billion; with this legislation tonight, we will spend $634 billion. We have overspent our budget by $34 billion. This chart exposes the failure of our current budget process. Each year we pass a budget resolution which establishes limits, and each year we break the resolution.

The fiscal year 1999 budget resolution which was supposed to be a spending limit of $533 billion had a final tally of $583 billion. In the year 2000, the limit was supposed to be $540 billion and the final tally was $587 billion. As I indicated, this year was supposed to be $600 billion and we have concluded now at $634 billion.

The last 3 years highlight the dangers of considering spending bills without a credible budget, one that establishes reasonable parameters and results from the participation of both parties.

While that is my fundamental objection to this budget and why I will request to be counted as voting no when we take the final voice vote on this matter, this legislation also includes changes to the Medicare program that will result in greater payments to providers. This bill increases payments to Medicare providers by $35 billion over the next 5 years, $85 billion over the next 10 years. My primary objection to these changes is that too much of the $35 billion for the first 5 years and $85 billion for the next decade is funneled into one aspect of the Medicare program—health maintenance organizations, HMOs. In my opinion, and more importantly, in the opinion of the experts, the HMOs do not need and cannot justify the level of additional appropriations which they are about to receive.

While I appreciate the modest improvements for beneficiaries which are included in this bill, the fact remains that HMOs, which enroll less than one out of six Medicare beneficiaries, will receive almost one-third of the overall funding. I am alarmed by increasing payments to HMOs because we are told by the experts that the payments are already too high. The General Accounting Office says under current law:

> Medicare's overly generous payment rates to HMOs well exceed what Medicare would have paid had these individuals remained in the traditional fee-for-service program.

The General Accounting Office concluded that Medicare HMOs have never been a bargain for the taxpayers. Increasing HMO payments will not keep them from leaving the markets where they are most needed.

One of the several outrages in this area is the requests that were made that if we were going to provide this generous additional payment to HMOs, one-third of the money for less than one-sixth of the Medicare beneficiaries, that they would have to commit they would not, as they have done in many areas in my State and virtually every other State, pack up leaving beneficiaries without coverage.

Or in other areas, as I recently experienced in the city of Jacksonville, HMOs have been driving down the benefits within their plans. I found while working at a pharmacy in Jacksonville earlier this year, most of the HMOs in that city have now put a cap on the annual payments of prescription drugs, and that cap is $500. As anyone who knows about the cost of prescription drugs, a $500 annual limit, particularly for an elderly population, is a very meager benefit. If you take this overly generous additional payment, you have to make some commitments to the beneficiaries relative to your willingness to stay and serve in the communities where you are currently providing services and to maintain your service benefit level. None of that is in this final bill. This is a check being written with no response, in terms of protection for beneficiaries.

According to the testimony from Gail Wilensky, chair of the Medicare Payment Advisory Commission, she states that plan withdrawals—that is, withdrawals from HMOs:

> . . . have been disproportionately lower in counties where payment growth has been the most constrained.

What Ms. Wilensky is saying is that where you have constrained reimbursements to HMOs, you have less withdrawals than you do where you are, as we proposed to be in this legislation, excessively generous.

It comes down to priorities. Should we spend billions on HMOs or try to help frail and low-income seniors, people with disabilities and children?

The managed care industry and its advocates in Congress have thwarted every effort to reform the Medicare+Choice Program so that it does what it was designed to do—save money while providing reliable, effective health care services.

A prime example of this occurred almost a year ago in this Chamber. In 1997, under the Balanced Budget Act, we provided for two demonstration projects to provide for the outrageous idea that there be competitive bidding among HMOs, to let the marketplace—which we all laud as being the best distributor of resources—let the marketplace decide what should an HMO be paid. This happens to be the same practice which is used in the private sector in its selection of HMOs and in some of the largest public employee HMO plans. Implementation of such a process had the potential of saving taxpayers and the Medicare program millions of dollars. It could have ensured that HMOs with the best bids were awarded contracts. It would have eliminated the discrimination against rural and smaller communities vis-a-vis the large communities which now get the largest HMO reimbursement.

Unfortunately for the American public, last year the managed care industry convinced their friends in Congress to beat back even these two demonstration projects. In so doing, they assured that we would not have a competitive system, a system that based contracts on merit. In fact, they would not have to compete at all. In fact, there would be no basis by demonstration of what would be the potential benefits to competition.

This year the HMOs have launched a multimillion-dollar lobbying effort to pressure Congress to increase their payment rates, and they have been successful. The HMOs are claiming that their current rates are too low, yet these are the same HMOs that committed congressional homicide when they killed a proposal that would have allowed a more market oriented system which would have resulted in higher reimbursement rates if the market indicated that was appropriate. This is the equivalent of a man shooting his mother and father and throwing himself on the mercy of the court because he is an orphan.

Worse yet, the bill fails to provide adequate accountability requirements for these plans. The House bill, when it was originally passed, required that any new funds be used for beneficiary improvements. This bill, this conference bill, contains no such requirement.

To be honest, there are some high points in this bill, as few and far between as they might be. I was pleased to learn the bill being considered added new preventive benefits for Medicare beneficiaries.

I strongly believe Medicare must be reformed from a system based on illness to one based on maintaining the highest standard of health. I have introduced legislation to this effect. The benefits I included were based on recommendations made by the experts in the field: the United States Preventive Services Task Force. Therefore, I was disappointed to find that this bill fails to provide Medicare coverage for hypertension screening and smoking cessation counseling, which are the highest two priorities as identified by the United States Prevention Services Task Force in its ''Guide to Clinical Preventive Services.''

This bill also provides access to nutrition therapy for people with renal disease and diabetes, but leaves out the largest group of individuals for whom the Institute of Medicine recommends nutrition therapy, people with cardiovascular disease. This is the recommendation of the Institute of Medicine, a recommendation which has been politically rejected.

I believe strongly that additions to the Medicare program must be based on scientific evidence and medical science, not on the power of a particular lobbying group or the bias of a single Member. It appears to me that instead of taking a rational, scientific approach to prevention, the Members who constructed this Medicare add-back provision used a ''disease of the month'' philosophy, leaving those who

need help the most without relevant new Medicare services.

When I asked why did the authors of this bill ignore the expert recommendations, why did they provide that seniors with cardiovascular disease could not take advantage of the nutrition therapy, what was the answer? I was told that it was excluded because it was too expensive.

It does not take a Sherlock Holmes, or even a Dr. Watson, to understand what is happening. This bill provides $1.5 billion over 5 years for prevention services to our older citizens. It provides a whopping $11.1 billion for the HMO industry. Clearly, the money is there but the real goal is not to direct it to the greatest need. It is, rather, to herd seniors into HMOs as a means of avoiding the addition of a meaningful Medicare prescription drug benefit for our Nation's seniors.

Whether you believe in the broad Government subsidization of the managed care industry or in providing benefits to seniors and children, we should all agree that taxpayers' money should be spent responsibly. This legislation does not meet that test. Congress has the responsibility to make certain that the payment increases we offer are based on actual data rather than anecdotal evidence or speculation. How can we justify that over the next 10 years the managed care industry—Mr. President, I ask you and our Members to listen to this startling fact—over the next 10 years the HMO industry will walk away with almost the same amount of funding increase as hospitals, home health care centers, skilled nursing facilities, community health centers, and the beneficiaries combined. That allocation makes no sense.

One of the most appalling omissions of this bill is the exclusion of a provision which would have given the States the option, under another important program, Medicaid and children's health insurance coverage, to make that coverage available to legal immigrant children and pregnant women.

Current census data shows us that last year nearly half of low-income immigrant children in America had no health coverage. Congressional Republicans and Democrats, Governors—and I am proud to say including Gov. Jeb Bush of the State of Florida, Christie Todd Whitman of New Jersey, Paul Cellucci of Massachusetts, and the Clinton administration—have been advocating for the inclusion of this commonsense provision in this balanced budget add-back bill. But some in Congress have opposed the inclusion of a provision that will provide health care coverage for indigent immigrant women and children, arguing that the welfare reform law removed legal immigrants from the health rolls.

There was a reason why they were removed, and that reason was money. By limiting the number of people eligible for Medicaid and children's health insurance, the Federal Government was able to save some dollars. This provision had nothing to do with the overall worthy goals of welfare reform, which were encouraging self-reliance, self-sufficiency, and discouraging single parenting. There is no evidence that legal immigrants come to the United States to secure health benefits. In fact, in the last decade immigrants have been moving from high benefit States such as California and New York to low benefit States such as North Carolina and Virginia.

There is also no denying that the money to cover this population of approximately 200,000 persons is available if we choose to use it. The proof is covering children and pregnant women is not only humane, it is fiscally responsible. The Medicare ''give back'' package is aimed at keeping strapped hospitals solvent. These same struggling hospitals bear the brunt of providing uncompensated emergency room care for children without health insurance whose families cannot afford to pay. Taxpayers are eventually going to wind up paying the cost of citizen children born prematurely because their legal immigrant mothers could not get prenatal care.

This bill is disturbing for both what it has and what it does not have. As I said, it does not have a clear blueprint towards a path of sustained fiscal responsibility.

Mr. President, I ask unanimous consent that at the conclusion of my remarks an article written by Dr. Robert Reischauer entitled ''Bye-Bye Surplus'' be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. Dr. Reischauer outlines the four ingredients present in today's political environment that are likely to lead to a feeding frenzy that will lay waste to the surplus that we have until now guarded. Those ingredients are: No. 1, the need for the next President to affirm his administration's legitimacy; No. 2, even larger budget provisions; and a compliant Congress, and finally a weakening economy.

Why should we worry about all this? Why should we at this stage, at 7:35 on a Friday evening, suddenly become exercised about the issue of fiscal discipline? Some budget observers believe the Federal surplus may be revised upward by as much as $1 trillion when the new budget estimates are revealed. If that is the case, the unified budget surplus for the next 10 years will rise to roughly $5.5 trillion.

Given these larger surplus projections, one may ask why Americans should be concerned with the deterioration of budget discipline. Americans should worry because Congress is frittering away the hard-won surplus without a real plan for utilizing those surpluses, without addressing the long-term, major challenges facing Americans—Social Security, Medicare, and paying down a $5.5 trillion national debt. Americans should care because we are sleepwalking through the surplus. We are denying ourselves the chance to face major national challenges. We are leaving to our grandchildren the credit card bills that our generation has accumulated.

The Congressional Budget Office recently released its long-term budget outlook. The findings in that report are not encouraging, but they are not surprising. That may explain why the report garnered such little attention.

What were the Congressional Budget Office findings?

The Federal Government spending on health and retirement programs—Medicare, Medicaid, Social Security—will dominate the long-term budget outlook. Spending on major health and retirement programs will more than double, rising from 7.5 percent of gross domestic product today to 16.7 percent 40 years from now. Why? The retirement of the baby boom generation will drastically increase the number of Americans receiving retirement and health care benefits, and the cost of providing health care is growing faster than the overall economy.

Saving most or all of the budget surpluses that CBO projects over the next 10 years—using them to pay down the debt—would have a positive impact on these projections and substantially delay the emergence of a serious fiscal imbalance.

There could be no more clear delineation of the long-term problem. Equally clear is the proffered outline of the short-term steps Congress can take to begin to address this problem: Save the surplus; pay down the debt.

Yet despite the obvious, Congress seems content to take the easier path and to fritter away the surplus. We have an obligation not to let this happen.

The ugly days of deficits taught Congress some very valuable lessons. One of those lessons was the need to prioritize. We all have expectations. We all are representing our constituents to the best of our ability. We all have a sense of our national responsibility. But the tool that forced us to do what was required was the one that said that for each additional dollar of spending, a dollar of spending had to be reduced or a dollar of taxes had to be raised. That is what discipline is about.

The surplus has eroded that discipline. We are failing the American public by not having honest, open debate about the tradeoffs that are necessary if we create programs, build projects, or cut taxes.

Few Congresses in the history of this Nation have squandered their opportunities as much as the 106th. Few Congresses in the history of this Nation have had the opportunity of redemption that awaits the 107th Congress. Few Congresses will be judged more harshly for avoiding, trivializing, and ultimately failing to seize that opportunity.

For those reasons, I have asked that I be recorded as ''no'' on the final vote on the omnibus appropriations bill.

I thank the Chair.

EXHIBIT 1

[From the Washington Post, Dec. 5, 2000]

BYE-BYE, SURPLUS

(By Robert D. Reischauer)

A president with no mandate to pursue his campaign promises. A Congress hardened by four years of partisan combat, scarred by a bitter election and immobilized by the lack of a party with a clear majority. Isn't this the recipe for continued gridlock? Won't legislative paralysis leave the growing budget surpluses safe from plunder for another two years?

Don't bet on it. A torrent of legislation that squanders much of the projected surplus is much more likely than continued gridlock, because four key ingredients needed to cook up a fiscal feast of historic proportions will all be present next year.

First, there will be the new president's desperate need to affirm his administration's legitimacy. There's no better way to do this than to quickly build a solid record of legislative accomplishment, one that convinces Americans that the era of partisan gridlock is over and the new occupant of the Oval Office deserves to be president of all the people, even if he didn't win a convincing majority of the popular vote.

The second ingredient will be new and even larger projections of future surpluses. These will make the president's legislative agenda look like the well-deserved reward for a decade of fiscal fasting rather than a return to reckless budget profligacy. During the presidential campaign, the two candidates debated how best to divide an estimated $2.2 trillion 10-year surplus among tax cuts, spending increases and debt reduction. The budget offices' new projections, which will be released early next year, will almost certainly promise even fatter, juicier surpluses, surpluses that will boost the expectations of all of the greedy supplicants.

Rather than being bound by gridlock, the 107th Congress will be poised for a feeding frenzy, the third ingredient for the fiscal feast. Nervously eyeing the 2002 election, when each party will have a reasonable shot at gaining effective control of Congress, Democrats and Republicans will curry favor with all important—and many not so important—interest groups. While the election campaign underscored the different priorities of the two parties, it also revealed many areas where there was bipartisan agreement that more should be spent. Education, the top priority of both candidates and the public's primary concern, could benefit from a bidding war if each side tries to prove that it is the ''Education Party.'' Increases in defense spending also have broad bipartisan support. And then there is the irresistible impulse to shower resources on health research (NIH), Medicare providers and farmers, to name but a few.

The size of the projected surpluses, the uncertain political environment, and the argument that those surpluses are ''the hard-working people of America's money . . . not the government's money'' will make a large tax cut almost inevitable. No one will stop to ask whose money it was when the hard-working people's representatives racked up $3.7 trillion in deficits between 1980 and 1998 or whether we owe it to our kids to pay down the increased public debt these deficits generated. Instead, large bipartisan majorities will rally around and add to a presidential proposal that includes marriage penalty relief, rate cuts, tax credits for health insurance, new incentives for retirement saving, and an easing of the estate tax for struggling millionaires who have had to suffer through a period of unprecedented prosperity and soaring stock values.

A weakening economy—the final ingredient—will wipe away any lingering qualms lawmakers may have about wallowing again in waters of fiscal excess. No matter that the vast majority of economists welcome slower growth because they believe that the current 4 percent unemployment rate is incompatible with price stability. If the unemployment rate drifts up close to 5 percent—a level that labor, business and the Fed considered unattainable as recently as 1995—the summer soldiers of fiscal prudence will cut and run, slashing taxes and boosting spending, claiming as they retreat that these actions are the only way to save the nation from another Great Depression.

The current fiscal year will be the third consecutive one in which the budget, excluding Social Security, has been in surplus. The last time such a record was achieved was 1928 to 1930. If the new president and the 107th Congress do what comes most naturally, we may have to wait another 70 years to celebrate such an accomplishment. Worse yet, we will wake up after the fiscal feast to discover that the surplus has been squandered while the nation's foremost fiscal challenge—providing for the baby boomers' retirement—has not been addressed because that required difficult choices and political courage.

The PRESIDING OFFICER. Under the previous order, the conference report is agreed to.

Ms. COLLINS. Mr. President, the Appalachian National Scenic Trail is a treasure that thousands of Americans enjoy every year. From day hikers to adventures making the 2,167 mile trip from Georgia to Maine, all who travel the footpath enjoy a remarkable wilderness experience.

The National Trails System Act of 1968 designated the Appalachian Trail as one of our nation's first scenic trails and authorized the Secretary of Interior to protect the trail through the acquisition of land along the trail or by other means. Over the years, Congress has supported this important effort through appropriations that have enabled the National Park Service to acquire more than 3000 parcels of land, protecting ninety-nine percent of the trail for future generations.

Despite the success of the last thirty years, more work needs to be done to ensure that the trail is preserved in its entirety. The longest remaining unprotected segment of the Appalachian Trail crosses Saddleback Mountain, in the Rangeley Region of western Maine. The 3.1 miles that traverse the Saddleback Mountain range is one of the trail's highest stretches, offering hikers an alpine wilderness trek and extraordinary vistas. The mountain is also home to Saddleback Ski Area, which draws skiers to an area of Maine where many are employed in the tourism industry.

For nearly twenty years, the National Park Service and the owners of the ski area have sought an agreement that balances the preservation of the trail experience as it exists today and development opportunities at the mountain that would draw additional skiers to the resort and the region. Some have been inclined to suggest that skiers and hikers cannot share Saddleback Mountain, but I have always maintained that with careful planning, preservation and economic development can coexist. Consequently, I have long urged both sides to work together to find a resolution that satisfies the interests of those who cherish the Appalachian Trail, as well as those who live and work in the Rangeley Region.

Mr. President, the impasse between the National Park Service and the owners of Saddleback Mountain is drawing to a close. The agreement so many have labored to achieve has been all but finalized, and with the passage of the bill before us today, Congress will establish the framework by which this matter can be resolved. Included in the bill is a provision proposed by me and Senator SNOWE directing the Secretary of Interior to acquire the land necessary to protect the Appalachian Trail as agreed to by both the Department and the owners of Saddleback Mountain. The language also directs the Secretary to convey the land to the State of Maine.

I would like to express my appreciation to Appropriations Committee Chairman STEVENS and Subcommittee Chairman SPECTER for working with Senator SNOWE and I on this matter of importance to our State. I would also like to thank Interior Subcommittee Chairman GORTON for including the Saddleback acquisition in the list of projects approved for Title VIII funds in the FY 2001 Interior Appropriations bill. Their support, along with the dedication of many others who have been involved in the negotiations, will ensure that skiers and hikers can share in the enjoyment of the natural beauty and wonders of Saddleback Mountain for generation to come.

CORRECTING THE ENROLLMENT OF H.R. 4577

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 162.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 162) to direct the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4577.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 162) was agreed to, as follows:

S. CON. RES. 162

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 4577), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 2001, and for other purposes, shall make the following correction:

In section 1(a)(4), before the period at the end, insert the following: '', except that the text of H.R. 5666, as so enacted, shall not include section 123 (relating to the enactment of H.R. 4904)''.

Mr. STEVENS. Mr. President, I regret deeply that last concurrent resolution, and at some time in the future I will explain it.

I am awaiting some other papers. For the time being, let me say this. I have stood on the Senate floor several times talking about the Steller sea lion problem. I personally thank Mr. John Podesta, the President's assistant, for talking to me for so long and working with our staff and myself for so long, into the early hours this morning and through the day, to bring about a resolution of the problem I have been discussing.

I cannot say we won this argument, but I can say we have reached a conclusion that will allow a substantial portion, approximately 90 percent, of the fishermen affected by this issue to return to fishing next January. These are people who live along a stretch of coastline and on islands, as I said, that are the same distance as from this city to the end of the Florida chain. They are people who live in very harsh circumstances and have one basic source of income, and that is fishing.

We have been able now to agree on a process by which the fishing season will commence on January 20. Incidentally, it has nothing to do with the Inauguration; it just happens to be the first day of fishing season. We are delighted we have found a way to resolve the conflict. It still means there is a long hard task ahead of not only this Secretary of Commerce and his personnel but the next Secretary of Commerce and personnel to carry out the agreement we have crafted and to see that it works.

I am pleased to say we have had a great many people who have assisted us. As I said earlier, the distinguished majority leader and minority leader were personally involved, as were their staffs, along with the staff of the Assistant to the President, and the Office of Management and Budget. I cannot leave out, and would not leave out, the distinguished chairman of the House Appropriations Committee, the Honorable BILL YOUNG, a Representative from Florida, who waited for this resolution.

I know it was a harsh task he had, and there are many Members in both the House and Senate who were inconvenienced by this delay. I can only thank them for their cooperation. As I have said before, not one Member of Congress argued with me about the delay. They all understood that we had a substantial problem.

It is not easy to represent a State and people who live closer to Tokyo than Washington, DC. These people really have but three spokesmen in Washington compared to the many that other States have. They rely on us to convey their wishes and to convey their dilemmas over potential Federal actions and to seek solutions.

I am delighted we have received the cooperation that led to a consensus today that I believe will assist them and will start the resolution of this problem and bring it to a conclusion where we can abide by the Magnuson-Stevens Act that governs the fisheries off our shores and, at the same time, respect the findings that are made under the Endangered Species Act.

I thank Sylvia Matthews, Office of Management and Budget; Michael Deitch, Office of Management and Budget; Penny Dalton of NOAA; Mark Childress of Senator DASCHLE's office; Dave Hoppe of Senator LOTT's office; and Lisa Sutherland and David Russell of my office for their hard work on the issue pertaining to Steller sea lions.

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 2000

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 46 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 46) to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, today we consider three bipartisan measures offered together as a package: the Public Safety Officer Medal of Valor Act, H.R. 46; the Computer Crime Enforcement Act, which I introduced as S. 1314, on July 1, 1999, with Senator DEWINE and is now also co-sponsored by Senators ROBB, HATCH and ABRAHAM; and a Hatch-Leahy-Schumer ''Internet Security Act'' amendment. I thank my colleagues for their hard work on these pieces of legislation, each of which I will discuss in turn.

I support the Public Safety Officer Medal of Valor Act. I cosponsored the Stevens bill, S. 39, to establish a Public Safety Medal of Valor. In April and May, 1999, I made sure that the Senate acted on Senator STEVENS' bill, S. 39.

On April 22, 1999, the Senate Judiciary Committee took up that measure in regular order and reported it unanimously. At that time I congratulated Senator STEVENS and thanked him for his leadership. I noted that we had worked together on a number of law enforcement matters and that the senior Senator from Alaska is a stalwart supporter of the men and women who put themselves at risk to protect us all. I said that I looked forward to enactment of this measure and to seeing the extraordinary heroism of our police, firefighters and correctional officers recognized with the Medal of Valor.

On May 18, 1999, I was privileged to be on the floor of the Senate when we proceeded to consider S. 39 and passed it unanimously. I took that occasion to commend Senator STEVENS and all who had worked so hard to move this measure in a timely way. That was over one year ago, during National Police Week last year. The measure was sent to the House where it lay dormant for the rest of last year and most of this one.

The President of the United States came to Capitol Hill to speak at the Law Enforcement Officers Memorial Service on May 15, 2000, and said on that occasion that if Congress would not act on the Medal of Valor, he was instructing the Attorney General to explore ways to award such recognition by Executive action.

Unfortunately, these calls for action did not waken the House from its slumber on this matter and the House of Representatives refused to pass the Senate-passed Medal of Valor bill. Instead, over the past year, the House has insisted that the Senate take up, fix and pass the House-passed version of this measure if it is to become law. House members have indicated that they are now prepared to accept most of the Senate-passed text, but insist that it be enacted under the House bill number. In order to get this important measure to the President, that is what we are doing today. We are discharging the House-passed version of that bill, H.R. 46, from the Judiciary Committee, adopting a complete substitute, and sending it back to the House.

I have worked with Senator HATCH, Senator STEVENS and others to perfect the final version of this bill. We have crafted bipartisan improvements to ensure that the Medal of Valor Board will worked effectively and efficiently with the National Medal of Valor Office within the Department of Justice. Our legislation establishes both of these entities and it is essential that they work well together to design the Medal of Valor and to create the criteria and procedures for recommendations of nominees for the award. The men and women who will be honored by the Medal of Valor for their brave deeds deserve nothing less.

The information age is filled with unlimited potential for good, but it also creates a variety of new challenges for law enforcement. A recent survey by the FBI and the Computer Security Institute found that 62 percent of information security professionals reported computer security breaches in the past year. These breaches in computer security resulted in financial losses of more than $120 million from fraud, theft of

information, sabotage, computer viruses, and stolen laptops. Computer crime has become a multi-billion dollar problem.

Many of us have worked on these issues for years. In 1984, we passed the Computer Fraud and Abuse Act to criminalize conduct when carried out by means of unauthorized access to a computer. In 1986, we passed the Electronic Communications Privacy Act (ECPA), which I was proud to sponsor, to criminalize tampering with electronic mail systems and remote data processing systems and to protect the privacy of computer users. In 1994, the Violent Crime Control and Law Enforcement Act included the Computer Abuse Amendments which I authored to make illegal the intentional transmission of computer viruses.

In the 104th Congress, Senators KYL, GRASSLEY and I worked together to enact the National Information Infrastructure Protection Act to increase protection under federal criminal law for both government and private computers, and to address an emerging problem of computer-age blackmail in which a criminal threatens to harm or shut down a computer system unless their extortion demands are met. In the 105th Congress, Senators KYL and I also worked together on criminal copyright amendments that became law to enhance the protection of copyrighted works online.

The Congress must be constantly vigilant to keep the law up-to-date with technology. The Computer Crime Enforcement Act, S. 1314, and the Hatch-Leahy-Schumer ''Internet Security Act'' amendment are part of that ongoing effort. These complementary pieces of legislation reflect twin-track progress against computer crime: More tools at the federal level and more resources for local computer crime enforcement. The fact that this is a bipartisan effort is good for technology policy.

But make no mistake about it: even with passage of this legislation, there is more work to be done—both to assist law enforcement and to safeguard the privacy and other important constitutional rights of our citizens. I wish that the Congress had also tackled online privacy in this session, but that will now be punted into the next congressional session.

The legislation before us today does not attempt to resolve every issue. For example, both the Senate and the House held hearings this session about the FBI's Carnivore program. Carnivore is a computer program designed to advance criminal investigations by capturing information in Internet communications pursuant to court orders. Those hearings sparked a good debate about whether advances in technology, like Carnivore, require Congress to pass new legislation to assure that our private Internet communications are protected from government over-reaching while protecting the government's right to investigate crime. I look forward to our discussion of these privacy issues in the next Congress.

The Computer Crime Enforcement Act is intended to help states and local agencies in fighting computer crime. All 50 states have now enacted tough computer crime control laws. They establish a firm groundwork for electronic commerce, an increasingly important sector of the nation's economy.

Unfortunately, too many state and local law enforcement agencies are struggling to afford the high cost of enforcing their state computer crime statutes. Earlier this year, I released a survey on computer crime in Vermont. My office surveyed 54 law enforcement agencies in Vermont—43 police departments and 11 State's attorney offices—on their experience investigating and prosecuting computer crimes. The survey found that more than half of these Vermont law enforcement agencies encounter computer crime, with many police departments and state's attorney offices handling 2 to 5 computer crimes per month.

Despite this documented need, far too many law enforcement agencies in Vermont cannot afford the cost of policing against computer crimes. Indeed, my survey found that 98 percent of the responding Vermont law enforcement agencies do not have funds dedicated for use in computer crime enforcement. My survey also found that few law enforcement officers in Vermont are properly trained in investigating computer crimes and analyzing cyber-evidence.

According to my survey, 83 percent of responding law enforcement agencies in Vermont do not employ officers properly trained in computer crime investigative techniques. Moreover, my survey found that 52 percent of the law enforcement agencies that handle one or more computer crimes per month cited their lack of training as a problem encountered during investigations. Without the necessary education, training and technical support, our law enforcement officers are and will continue to be hamstrung in their efforts to crack down on computer crimes.

I crafted the Computer Crime Enforcement Act, S. 1314, to address this problem. The bill would authorize a $25 million Department of Justice grant program to help states prevent and prosecute computer crime. Grants under our bipartisan bill may be used to provide education, training, and enforcement programs for local law enforcement officers and prosecutors in the rapidly growing field of computer criminal justice. Our legislation has been endorsed by the Information Technology Association of America and the Fraternal Order of Police. This is an important bipartisan effort to provide our state and local partners in crime-fighting with the resources they need to address computer crime.

The Internet Security Act of 2000 makes progress to ensure that we are properly dealing with the increase in computer crime. I thank and commend Senators HATCH and SCHUMER for working with me and other Members of the Judiciary Committee to address some of the serious concerns we had with the first iteration of their bill, S. 2448, as it was originally introduced.

Specifically, as introduced, S. 2448 would have over-federalized minor computer abuses. Currently, federal jurisdiction exists for a variety of computer crimes if, and only if, such criminal offenses result in at least $5,000 of damage or cause another specified injury, including the impairment of medical treatment, physical injury to a person or a threat to public safety. S. 2448, as introduced, would have eliminated the $5,000 jurisdictional threshold and thereby criminalized a variety of minor computer abuses, regardless of whether any significant harm resulted.

For example, if an overly-curious college sophomore checks a professor's unattended computer to see what grade he is going to get and accidently deletes a file or a message, current Federal law does not make that conduct a crime. That conduct may be cause for discipline at the college, but not for the FBI to swoop in and investigate. Yet, under the original S. 2448, as introduced, this unauthorized access to the professor's computer would have constituted a federal crime.

Another example is that of a teenage hacker, who plays a trick on a friend by modifying the friend's vanity Web page. Under current law, no federal crime has occurred. Yet, under the original S. 2448, as introduced, this conduct would have constituted a federal crime.

As America Online correctly noted in a June, 2000 letter, ''eliminating the $5,000 threshold for both criminal and civil violations would risk criminalizing a wide range of essentially benign conduct and engendering needless litigation. . . .'' Similarly, the Internet Alliance commented in a June, 2000 letter that ''[c]omplete abolition of the limit will lead to needless federal prosecution of often trivial offenses that can be reached under state law. . . .''

Those provisions were overkill. Our federal laws do not need to reach each and every minor, inadvertent and harmless computer abuse—after all, each of the 50 states has its own computer crime laws. Rather, our federal laws need to reach those offenses for which federal jurisdiction is appropriate.

Prior Congresses have declined to over-federalize computer offenses as originally proposed in S. 2448, as introduced, and sensibly determined that not all computer abuses warrant federal criminal sanctions. When the computer crime law was first enacted in 1984, the House Judiciary Committee reporting the bill stated:

> The Federal jurisdictional threshold is that there must be $5,000 worth of benefit to the defendant or loss to another in order to concentrate Federal resources on the more substantial computer offenses that affect

interstate or foreign commerce. (H.Rep. 98–894, at p. 22, July 24, 1984).

Similarly, the Senate Judiciary Committee under the chairmanship of Senator THURMOND, rejected suggestions in 1986 that ''the Congress should enact as sweeping a Federal statute as possible so that no computer crime is potentially uncovered.'' (S. Rep. 99–432, at p. 4, September 3, 1986).

The Hatch-Leahy-Schumer substitute amendment to S. 2448, which was reported unanimously by the Judiciary Committee on October 5th, addresses those federalism concerns by retaining the $5,000 jurisdictional threshold in current law. That Committee-reported substitute amendment, with the additional refinements reflected in the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46, which the Senate considers today, makes other improvements to the original bill and current law, as summarized below.

First, titles II, III, IV and V of the original bill, S. 2448, about which various problems had been raised, are eliminated. For example, title V of the original bill would have authorized the Justice Department to enter into Mutual Legal Assistance Treaties (MLAT) with foreign governments that would allow the Attorney General broad discretion to investigate lawful conduct in the U.S. at the request of foreign governments without regard to whether the conduct investigated violates any Federal computer crime law. In my view, that discretion was too broad and troubling.

Second, the amendment includes an authorization of appropriations of $5 million to the Computer Crime and Intellectual Property (CCIP) section within the Justice Department's Criminal Division and requires the Attorney General to make the head of CCIP a ''Deputy Assistant Attorney General,'' which is not a Senate-confirmed position, in order to highlight the increasing importance and profile of this position. This authorized funding level is consistent with an amendment I sponsored and circulated to Members of the Judiciary Committee to improve S. 2448 and am pleased to see it incorporated into the Internet Security Act amendment to H.R. 46.

Third, the amendment modifies section 1030 of title 18, United States Code, in several important ways, including providing for increased and enhanced penalties for serious violations of federal computer crime laws, clarifying the definitions of ''loss'' to ensure that the full costs to a hacking victim are taken into account and of ''protected computer'' to facilitate investigations of international computer crimes affecting the United States, and preserving the existing $5,000 threshold and other jurisdictional prerequisites for violations of section 1030(a)(5)—i.e., no Federal crime has occurred unless the conduct (1) causes loss to 1 or more persons during any 1-year period aggregating at least $5,000 in value, (2) impairs the medical care of another person, (3) causes physical injury to another person, (4) threatens public health or safety, or (5) causes damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security.

The amendment clarifies the precise elements of the offense the government must prove in order to establish a violation by moving these prerequisites from the current definition of ''damage'' to the description of the offense. In addition, the amendment creates a new category of felony violations where a hacker causes damage to a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security.

Currently, the Computer Fraud and Abuse Act provides for federal criminal penalties for those who intentionally access a protected computer or cause an unauthorized transmission to a protected computer and cause damage. ''Protected computer'' is defined to include those that are ''used in interstate or foreign commerce.'' See 18 U.S.C. 1030(e)(2)(B). The amendment would clarify the definition of ''protected computer'' to ensure that computers which are used in interstate or foreign commerce but are located outside of the United States are included within the definition of ''protected computer'' when those computers are used in a manner that affects interstate or foreign commerce or communication of this country. This will ensure that our government will be able to conduct domestic investigations and prosecutions against hackers from this country who hack into foreign computer systems and against those hacking though the United States to other foreign venues. Moreover, by clarifying the fact that a domestic offense exists, the United States will be able to use speedier domestic procedures in support of international hacker cases, and create the option of prosecuting such criminals in the United States.

The amendment also adds a definition of ''loss'' to the Computer Fraud and Abuse Act. Current law defines the term ''damage'' to include impairment of the integrity or availability of data, programs, systems or information causing a ''loss aggregating at least $5,000 in value during any 1-year period to one or more individuals.'' See 18 U.S.C. §1030(e)(8)(A). The new definition of ''loss'' to be added as section 1030(e)(11) will ensure that the full costs to victims of responding to hacking offenses, conducting damage assessments, restoring systems and data to the condition they were in before an attack, as well as lost revenue and costs incurred because of an interruption in service, are all counted. This statutory definition is consistent with the definition of ''loss'' appended by the U.S. Sentencing Commission to the Federal Sentencing Guidelines (see U.S.S.G. §2B1.1 Commentary, Application note 2), and will help reconcile procedures by which prosecutors value loss for charging purposes and by which judges value loss for sentencing purposes. Getting this type of true accounting of ''loss'' is important because loss amounts can be used to calculate restitution and to determine the appropriate sentence for the perpetrator under the sentencing guidelines.

Fourth, section 303(e) of the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 clarifies the grounds for obtaining damages in civil actions for violations of the Computer Fraud and Abuse Act. Current law authorizes a person who suffers ''damage or loss'' from a violation of section 1030 to sue the violator for compensatory damages or injunctive or other equitable relief, and limits the remedy to ''economic damages'' for violations ''involving damage as defined in subsection (e)(8)(A),'' relating to violations of 1030(a)(5) that cause loss aggregating at least $5,000 during any 1-year period. Current law does not contain a definition of ''loss,'' which is being added by this amendment.

To take account of both the new definition of ''loss'' and the incorporation of the requisite jurisdictional thresholds into the description of the offense (rather than the current definition of ''damage''), the amendment to subsection (g) makes several changes. First, the amendment strikes the reference to subsection (e)(8)(A) in the current civil action provision and retains Congress' previous intent to allow civil plaintiffs only economic damages for violations of section 1030(a)(5) that do not also affect medical treatment, cause physical injury, threaten public health and safety or affect computer systems used in furtherance of the administration of justice, the national defense or national security.

Second, the amendment clarifies that civil actions under section 1030, and not just 1030(a)(5), are limited to conduct that involves one of the factors enumerated in new subsection (a)(5)(B), namely, the conduct (1) causes loss to 1 or more persons during any 1-year period aggregating at least $5,000 in value, (2) impairs the medical care of another person, (3) causes physical injury to another person, (4) threatens public health or safety, or (5) causes damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security. This clarification is consistent with judicial constructions of the statute, requiring proof of the $5,000 loss threshold as a prerequisite for civil suit, for example, under subsection 1030(a)(2)(C). See, e.g., *America Online, Inc.* v. *LCGM, Inc.*, 46 F.Supp. 2d 444, 450 (E.D. Va. 1998) (court granted summary judgment on claim under 1030(a)(2)(C), stating, ''[p]laintiff asserts that as a result of defendants' actions, it suffered damages exceeding $5,000, the statutory threshold requirement'').

While proof of ''loss'' is required, this amendment preserves current law that civil enforcement of certain violations of section 1030 is available without requiring proof of ''damage,'' which is defined in the amendment to mean ''any impairment to the integrity or availability of data, a program, a system, or information.'' In fact, only subsection 1030(a)(5) requires proof of ''damage''; civil enforcement of other subsections of this law may proceed without such proof. Thus, only the factors enumerated in new subsection (a)(5)(B), and not its introductory language referring to conduct described in subsection (a)(5)(A), constitute threshold requirements for civil suits for violations of section 1030 other than subsection 1030(a)(5).

Finally, the amendment adds a new sentence to subsection 1030(g) clarifying that civil actions may not be brought ''for the negligent design or manufacture of computer hardware, computer software, or firmware.''

The Congress provided this civil remedy in the 1994 amendments to the Act, which I originally sponsored with Senator Gordon Humphrey, to enhance privacy protection for computer communications and the information stored on computers by encouraging institutions to improve computer security practices, deterring unauthorized persons from trespassing on computer systems of others, and supplementing the resources of law enforcement in combating computer crime. [See The Computer Abuse Amendments Act of 1990: Hearing Before the Subcomm. On Technology and the Law of the Senate Comm. On the Judiciary, 101st Cong., 2nd Sess., S. Hrg. 101–1276, at pp. 69, 88, 92 (1990); see also Statement of Senator Humphrey, 136 Cong. Rec. S18235 (1990) (''Given the Government's limited capacity to pursue all computer crime cases, the existence of this limited civil remedy will serve to enhance deterrence in this critical area.'')]. The ''new, civil remedy for those harmed by violations of the Computer Fraud and Abuse Act'' was intended to ''boost the deterrence of the statute by allowing aggrieved individuals to obtain relief.'' [S. Rep. No. 101–544, 101st Cong., 2d Sess., p. 6–7 (1990); see also Statement of Senator LEAHY, 136 Cong. Rec. S18234 (1990)]. We certainly and expressly did not want to ''open the floodgates to frivolous litigation.'' [Statement of Senator LEAHY, 136 Cong. Rec. S4614 (1990)].

At the time the civil remedy provision was added to the Computer Fraud and Abuse Act, this Act contained no prohibition against negligently causing damage to a computer through unauthorized access, reflected in current law, 18 U.S.C. § 1030(a)(5)(C). That prohibition was added only with subsequent amendments made in 1996, as part of the National Information Infrastructure Protection Act. Nevertheless, the civil remedy has been interpreted in some cases to apply to the negligent manufacture of computer hardware or software. See, e.g., *Shaw* v. *Toshiba America Information Systems, Inc.*, NEC, 91 F.Supp. 2d 926 (E.D. TX 1999) (court interpreted the term transmission to include sale of computers with a minor design defect).

The Hatch-Leahy-Schumer Internet Security Act amendment to subsection 1030(g) is intended to ensure that the civil remedy is a robust option for private enforcement actions, while limiting its applicability to negligence cases that are more appropriately governed by contractual warranties, state tort law and consumer protection laws.

Fifth, sections 304 and 309 of the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 authorize criminal forfeiture of computers, equipment, and other personal property used to violate the Computer Fraud and Abuse Act, as well as real and personal property derived from the proceeds of computer crime. Property, both real and personal, which is derived from proceeds traceable to a violation of section 1030, is currently subject to both criminal and civil forfeiture. See 18 U.S.C. § 981(a)(1)(C) and 982(a)(2)(B). Thus, the amendment would clarify in section 1030 itself that forfeiture applies and extend the application of forfeiture to property that is used or intended to be used to commit or to facilitate the commission of a computer crime. In addition, to deter and prevent piracy, theft and counterfeiting of intellectual property, the section 309 of the amendment allows forfeiture of devices, such as replicators or other devices used to copy or produce computer programs to which counterfeit labels have been affixed.

The criminal forfeiture provision in section 304 specifically states that only the ''interest of such person,'' referring to the defendant who committed the computer crime, is subject to forfeiture. Moreover, the criminal forfeiture authorized by Sections 304 and 309 is made expressly subject to Section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, but subsection (d) of section 413 is expressly exempted from application to Section 304 and 309. That subsection (d) creates a rebuttable presumption of forfeiture in favor of the government where a person convicted of a felony acquired the property during the period that the crime was committed or within a reasonable time after such period and there was no likely source for such property other than the criminal violation. Thus, by making subsection (d) inapplicable, Sections 304 and 309 make it more difficult for the government to prove that the property should be forfeited.

Sixth, unlike the version reported by the Judiciary Committee, the amendment does not require that prior delinquency adjudications of juveniles for violations of the Computer Fraud and Abuse Act be counted under the definition of ''conviction'' for purposes of enhanced penalties. This is an improvement that I urged since juvenile adjudications simply are not criminal convictions. Juvenile proceedings are more informal than adult prosecutions and are not subject to the same due process protections. Consequently, counting juvenile adjudications as a prior conviction for purposes of the recidivist sanctions under the amendment would be unduly harsh and unfair. In any event, prior juvenile delinquency adjudications are already subject to sentencing enhancements under certain circumstances under the Sentencing Guidelines. See, e.g., U.S.S.G. § 411.2(d) (upward adjustments in sentences required for each juvenile sentence to confinement of at least sixty days and for each juvenile sentence imposed within five years of the defendant's commencement of instant offense).

Seventh, the amendment changes a current directive to the Sentencing Commission enacted as section 805 of the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104–132, that imposed a 6-month mandatory minimum sentence for any conviction of the sections 1030(a)(4) or (a)(5) of title 18, United States code. The Administration has noted that ''[i]n some instances, prosecutors have exercised their discretion and elected not to charge some defendants whose actions otherwise would qualify them for prosecution under the statute, knowing that the result would be mandatory imprisonment.'' Clearly, mandatory imprisonment is not always the most appropriate remedy for a federal criminal violation, and the ironic result of this ''get tough'' proposal has been to discourage prosecutions that might otherwise have gone forward. The amendment eliminates that mandatory minimum term of incarceration for misdemeanor and less serious felony computer crimes.

Eighth, section 310 of the amendment directs the Sentencing Commission to review and, where appropriate, adjust sentencing guidelines for computer crimes to address a variety of factors, including to ensure that the guidelines provide sufficiently stringent penalties to deter and punish persons who intentionally use encryption in connection with the commission or concealment of criminal acts.

The Sentencing Guidelines already provide for enhanced penalties when persons obstruct or impede the administration of justice, see U.S.S.G. §3C1.1, or engage in more than minimal planning, see U.S.S.G. §2B1.1(b)(4)(A). As the use of encryption technology becomes more widespread, additional guidance from the Sentencing Commission would be helpful to determine the circumstances when such encryption use would warrant a guideline adjustment. For example, if a defendant employs an encryption product that works automatically and transparently with a telecommunications service or software product, an enhancement for use of encryption may not be appropriate, while the deliberate use of

encryption as part of a sophisticated and intricate scheme to conceal criminal activity and make the offense, or its extent, difficult to detect, may warrant a guideline enhancement either under existing guidelines or a new guideline.

Ninth, the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 would eliminate certain statutory restrictions on the authority of the United States Secret Service (''Secret Service''). Under current law, the Secret Service is authorized to investigate offenses under six designated subsections of 18 U.S.C. § 1030, subject to agreement between the Secretary of the Treasury and the Attorney General: subsections (a)(2)(A) (illegally accessing a computer and obtaining financial information); (a)(2)(B) (illegally accessing a computer and obtaining information from a department or agency of the United States); (a)(3) (illegally accessing a non-public computer of a department or agency of the United States either exclusively used by the United States or used by the United States and the conduct affects that use by or for the United States); (a)(4) (accessing a protected computer with intent to defraud and thereby furthering the fraud and obtaining a thing of value, unless the object of the fraud and the thing obtained consists only of the use of the computer and the value of such use is not more than $5,000 in a one-year period); (a)(5) (knowingly causing the transmission of a program, information, code or command and thereby intentionally and without authorization causing damage to a protected computer; and illegally accessing a protected computer and causing damage recklessly or otherwise); and (a)(6) (trafficking in a password with intent to defraud).

Under current law, the Secret Service is not authorized to investigate offenses under subsection (a)(1) (accessing a computer and obtaining information relating to national security with reason to believe the information could be used to the injury of the United States or to the advantage of a foreign nation and willfully retaining or transmitting that information or attempting to do so); (a)(2)(C) (illegally accessing a protected computer and obtaining information where the conduct involves an interstate or foreign communication); and (a)(7) (transmitting a threat to damage a protected computer with intent to extort).

The Internet Security Act removes these limitations on the authority of the Secret Service and authorizes the Secret Service to investigate any offense under Section 1030 relating to its jurisdiction under 18 U.S.C. § 3056 and subject to agreement between the Secretary of the Treasury and the Attorney General. This provision also makes clear that the FBI retains primary authority to investigate offenses under subsection 1030(a)(1).

Prior to 1996 amendments to the Computer Fraud and Abuse Act, the Secret Service was authorized to investigate all violations of Section 1030. According to the 1996 Committee Reports of the 104th Congress, 2nd Session, the 1996 amendments attempted to concentrate the Secret Service's jurisdiction on certain subsections considered to be within the Secret Service's traditional jurisdiction and not grant authority in matters with a national security nexus. According to the Administration, which first proposed the elimination of these statutory restrictions in connection with transmittal of its comprehensive crime bill, the ''21st Century Law Enforcement and Public Safety Act,'' however, these specific enumerations of investigative authority ''have the potential to complicate investigations and impede interagency cooperation.'' (See Section-by-section Analysis, SEC. 3082, for ''21st Century Law Enforcement and Public Safety Act'').

The current restrictions, for example, risk hindering the Secret Service from investigating ''hacking'' into White House computers or investigating threats against the President that may be delivered by such a ''hacker,'' and fulfilling its mission to protect financial institutions and the nation's financial infrastructure. The provision thus modifies existing law to restore the Secret Service's authority to investigate violations of Section 1030, leaving it to the Departments of Treasury and Justice to determine between them how to allocate workload and particular cases. This arrangement is consistent with other jurisdictional grants of authority to the Secret Service. See, e.g., 18 U.S.C. §§ 1029(d), 3056(b)(3).

Tenth, section 307 of the Hatch-Leahy-Schumer Internet Security Act amendment would provide an additional defense to civil actions relating to preserving records in response to government requests. Current law authorizes civil actions and criminal liability for unauthorized interference with or disclosures of electronically stored wire or electronic communications under certain circumstances. 18 U.S.C. §§ 2701, et seq. A provision of that statutory scheme makes clear that it is a complete defense to civil and criminal liability if the person or entity interfering with or attempting to disclose a communication does so in good faith reliance on a court warrant or order, grand jury subpoena, legislative or statutory authorization. 18 U.S.C. § 2707(e)(1).

Current law, however, does not address one scenario under which a person or entity might also have a complete defense. A provision of the same statutory scheme currently requires providers of wire or electronic communication services and remote computing services, upon request of a governmental entity, to take all necessary steps to preserve records and other evidence in its possession for a renewal period of 90 days pending the issuance of a court order or other process requiring disclosure of the records or other evidence. 18 U.S.C. § 2703(f). Section 2707(e)(1), which describes the circumstances under which a person or entity would have a complete defense to civil or criminal liability, fails to identify good faith reliance on a governmental request pursuant to Section 2703(f) as another basis for a complete defense. Section 307 modifies current law by addressing this omission and expressly providing that a person or entity who acts in good faith reliance on a governmental request pursuant to Section 2703(f) also has a complete defense to civil and criminal liability.

Finally, the bill authorizes construction and operation of a National Cyber Crime Technical Support Center and 10 regional computer forensic labs that will provide education, training, and forensic examination capabilities for State and local law enforcement officials charged with investigating computer crimes. The section authorizes a total of $100 million for FY 2001, of which $20 million shall be available solely for the 10 regional labs and would complement the state computer crime grant bill, S. 1314, with which this bill is offered.

AMENDMENT NO. 4366

(Purpose: To enhance computer crime enforcement and Internet security, and for other purposes)

Mr. STEVENS. Mr. President, Senator HATCH has an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HATCH, proposes an amendment numbered 4366.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4366) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 46), as amended, was read the third time and passed.

The title was amended so as to read:

To provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, to enhance computer crime enforcement and Internet security, and for other purposes.

MAKING TECHNICAL CORRECTIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary

Committee be discharged from further consideration of S. 3276 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3276) to make technical corrections to the College Scholarship Fraud Prevention Act of 2000 and certain amendments made by that Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. I commend the current occupant of the chair who introduced this measure.

Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3276) was read the third time and passed, as follows:

S. 3276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS TO THE COLLEGE SCHOLARSHIP FRAUD PREVENTION ACT OF 2000.

(a) SENTENCING ENHANCEMENT GUIDELINES.—Section 3 of the College Scholarship Fraud Prevention Act of 2000 (Public Law 106–420) is amended—

(1) by striking ''obtaining or providing of'' and inserting ''the obtaining of, the offering of assistance in obtaining''; and

(2) by striking ''base offense level for misrepresentation'' and inserting ''enhanced penalties provided for in the Federal sentencing guidelines for an offense involving fraud or misrepresentation''.

(b) LIMITATION ON EXEMPT PROPERTY.—Section 522(c)(4) of title 11, United States Code, as added by section 4 of the College Scholarship Fraud Prevention Act of 2000, is amended—

(1) by striking ''in the obtaining or providing of'' and inserting ''or misrepresentation in the providing of, the offering of assistance in obtaining, or the furnishing of information to a consumer on,''; and

(2) by striking ''(20 U.S.C. 1001)''.

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on November 1, 2000.

(2) APPLICATION OF SECTION 552(C)(4) OF TITLE 11, UNITED STATES CODE.—Section 522(c)(4) of title 11, United States Code, as added by section 4 of the College Scholarship Fraud Prevention Act of 2000 and as amended by subsection (b) of this section, shall apply only with respect to cases commenced under title 11, United States Code, on or after November 1, 2000.

CONGRATULATIONS TO JOSH HEUPEL

Mr. DASCHLE. Mr. President, I rise today to congratulate South Dakota's Josh Heupel, quarterback of the Oklahoma Sooners, on his incredible season leading his top-ranked and undefeated football team to the National Championship game. I am tremendously proud of the achievements of a fellow South Dakotan and Aberdeen Central graduate.

I am not the first and certainly will not be the last to praise Josh for his accomplishments. Josh passed for 3,392 yards and 20 touchdowns this season and led his team through a difficult schedule of worthy opponents. It is no surprise that Josh received so many honors this year: he was named Player of the Year by the Walter Camp Football Foundation; College Football Player of the Year by the Associated Press; and College Football Player of the Year by the Sporting News.

Most recently he was the runner-up for the Heisman Trophy, South Dakota's first Heisman Finalist. While he may have felt some disappointment in not winning, Josh handled himself with the maturity and grace that has molded him into a fine young leader and allows him to put team accomplishments and goals before his personal feats.

I believe Josh's success at the national level is the result of natural ability coupled with hard work and drive. But he has not been content with excellence simply in the athletic realm. He has also committed himself to civic duty, visiting sick children in hospitals and coordinating food drives, and has been a dedicated student. More than that, he lives by ideals instilled in him by his family—his parents Ken and Cindy, and sister Andrea—and the values and life experiences gained in South Dakota. He is an inspiration to all of us, young and old, teaching us to follow our dreams but stay close to our values.

I speak for South Dakota when I say that we proud of Josh Heupel and we wish him the best of luck as he leads his team into the National Championship game on January 3d and in his future athletic and academic endeavors.

TRIBUTE TO SECRETARY OF DEFENSE BILL COHEN

Mr. WARNER. Mr. President, I rise today to pay tribute to Secretary of Defense Bill Cohen and Mrs. Janet Langhart Cohen. As Secretary of Defense for almost four years, Bill Cohen has led the Defense Department and the military services with leadership and a strong commitment.

In contemporary political history, persons of a political party other than the party of the Administration, have offered to serve this Nation. It takes a special courage; Bill Cohen has that courage. He has earned—with distinction—a place in history.

Bill Cohen and I were first elected to the Senate in 1978. We served together on the Armed Services Committee from 1979 until Bill retired from the Senate in 1996. Throughout his service with the Senate, he was recognized as a leader.

A prodigious student of history, diplomacy, foreign policy and national security, he was recognized as one of the most able and productive members of the Armed Services Committee. He worked hard to develop and maintain a bipartisan consensus on national security policy. For Bill Cohen, partisan politics—in the words of the famous Republican senator from Michigan, Senator Arthur Vandenberg—''stopped at the water's edge.''

Fortunately, the President recognized the wealth of knowledge and experience Bill had developed during his service in the Congress.

Bill Cohen also had the good fortune of being the son of parents he loved and admired. That gave him inner strength.

In December 1996, he was nominated to be Secretary of Defense and was promptly confirmed by the Senate.

When Bill Cohen accepted the nomination, he undestood the extraordinary challenges that lay ahead. He understood that he would be responsible for a department and for military services that had undergone, and were undergoing, the most significant reduction in force and personnel and equipment in almost thirty years.

The problems associated with these reductions were compounded by increasing operational commitments. Comparing the period between the end of the Vietnam War and the beginning of Operation Desert Storm to the period between Operation Desert Storm to today, these commitments have increased by over 400 percent. And there would be no foreseeable end to our extended commitments in many parts of the world.

It was at such a critical crossroad in the history of the U.S. Armed Forces that a leader with a strong sense of purpose and keen intellect was needed at the helm of the Department of Defense. That leader was Bill Cohen. We, in this chamber, knew very well the profound depth of his intellect and leadership through his oratory, his writings, his poems and, yes, his occasional ''doodles'' on the notepad. Like Colonel Joshua Chamberlain, a Union Army soldier and son of Maine, that Cohen revered, he likewise accepted the daunting challenge with which he was presented.

Upon taking the helm at the Department of Defense, Bill Cohen quickly identified those key areas that required his immediate attention. Shortly after his confirmation hearing, Secretary Cohen stated that he would dedicate his time in office to working on the quality of life for military personnel and their families and to addressing continuing shortfalls in readiness and modernization of the Armed Forces.

So began his four years of labor to lead the largest agency in the Federal Government—one of the largest organizations in the world. But this was a labor of love for the new secretary. Bill Cohen recently described his tenure as ''the most demanding, exhilarating experience'' he has ever had—work he would do ''forever.''

Sharing this experience with Bill Cohen is his wife, Janet Langhart Cohen. She has been equally enthusiastic in her role supporting him—and military personnel throughout the world—as a ''First Lady of the Pentagon.''

Janet Langhart Cohen's tireless and selfless work for our men and women in uniform, and their families, has been remarkable. She has been committed to making sure that the American people's hearts and minds are fully joined with those who are wearing the uniform. Thanks to Janet Langhart Cohen, soldiers, sailors, airmen and Marines have come to know how much they are appreciated by their fellow Americans.

To this end, Janet Langhart Cohen called on the USO—and their volunteer entertainers—to bring the message from the homefront to our forward deployed military men and women. She recognized that the USO helped those in the military who are far from home give in to laughter rather than give way to loneliness and despair. With the USO, Janet Langhart Cohen reinvigorated the spirit of our warriors.

Understanding the important relationship between the men and women of the Armed Forces and the USO, Janet Langhart Cohen led the effort to build a lasting exhibit to the USO in the Pentagon. Thanks to her, the tribute was unveiled just a few short weeks ago. To many, she is now also recognized as the ''First Lady of the USO.''

Together, Bill and Janet have been a dynamic team. They have tackled many of the problems facing military families today. They have also circled the globe together to demonstrate their combined conviction and support for our men and women in uniform wherever they are deployed. Only recently, Bill and Janet completed their third trip to Kosovo since the June 1999 end of the air campaign.

In our brief years, Secretary Cohen, through tireless work, study, and travel, has continued to develop his already formidable understanding of global, economic and national security issues. And as had been the case during his 24 years of service in the Congress, Secretary Cohen's conviction for supporting the troops continued without question.

Anyone who has been privileged to serve in the Department of Defense, especially as the ''Top Gun,'' knows there is no more difficult a job in the Executive Branch of our government. Bill Cohen earned his place in history, alongside the best, and the men and women in uniform render a respectful ''hand salute.''

VICTIMS OF GUN VIOLENCE

Mrs. BOXER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

December 15, 1999:

Jerome Anderson, 26, Washington, DC; Danta Dandridge, 17, Washington, DC; Diane Gibbs, 39, Atlanta, GA; Jimmy Gibbs, 21, Atlanta, GA; Kasmas Hall, 18, Miami-Dade County, FL; Byron Johnson, 21, Pittsburgh, PA; Antoine Omar, 19, Boston, MA; Glenn Roundtree, 29, Chicago, IL; Oscar Segura Nieto-Lopez, 32, St. Paul, MN; Ricky Truss, 27, Detroit, MI; William Wilder, 39, New Orleans, LA; Venis Woods, 29, Philadelphia, PA; and Unidentified Male, 24, Newark, NJ.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

TRIBUTE TO CONGRESSMAN JULIAN DIXON

Mr. SHELBY. Mr. President, I rise in tribute to a friend and colleague, Julian Dixon. Congressman Dixon honorably represented the 32nd District of California for more than 22 years. Julian and I were members of the Congressional Freshman Class of 1978. It was my pleasure to serve with him for more than two decades.

Everyone in the Senate knew him and I know no member of the House or Senate who did not like him, as well as respect him. His life exemplified public service and his actions were always motivated by truth, justice and compassion. He was without question a Distinguished Gentlemen.

During his tenure in office, Congressman Dixon accomplished many things. He was always magnanimous in victory and gracious in defeat and accepted difficult assignments, such as the Chairmanship of the House Ethics Committee in 1989. It is a responsibility that few members seek and only the most selfless accept. Congressman Dixon did so, and the House of Representatives is a better place for his service.

From 1957 to 1960, he served as an enlisted man in the United States Army, rising to the rank of sergeant. This experience made him a life long advocate for the men and women in the Armed Forces. He understood their hardships and needs as well as any member of the Congress. The military services have lost a good friend.

At the conclusion of the Cold War, our defense expenditures were cut dramatically. Literally, hundreds of military installations, large and small, around the Nation were slated for closure. Thousands of small businesses depended entirely, or mostly on work generated by the defense industry, and they were in danger of failure.

In an effort to help these businesses, Congressman Dixon sponsored legislation to assist small businesses in making the difficult transition to new markets. His efforts saved innumerable small businesses from going under and now many are thriving because of his foresight and stewardship. Most recently he was the very able Ranking Member of the House Permanent Select Committee on Intelligence. He was a voice of reason and restraint in an arena that often lends itself to hyperbole and grandstanding. Julian served his country well in this capacity.

Congressman Dixon was known for his intelligence, political savvy and strong character. While Julian surely had much lift to accomplish, he truly made a difference while he walked among us. He was a family man and a man of the people. He will be missed. Our prayers are with his family, friends and people he served so well.

DRUG ADDICTION TREATMENT ACT OF 2000

Mr. LEVIN. Mr. President, I rise today with my colleague, Senator HATCH, Chairman of the Judiciary Committee, to comment on a provision of the recently enacted omnibus children's health legislation (H.R. 4365; Public Law 106–310) that established a number of excellent children's health programs. The bill also included important new legislation, the Drug Addiction Treatment Act [DATA], which I authored along with Senator HATCH, working with our colleagues Senators BIDEN and MOYNIHAN. It will make a revolutionary difference in the way in which we battle heroin and other opiate addiction.

Mr. HATCH. Mr. President, my colleague from Michigan is correct. Additionally, as my colleagues are aware, the bill reauthorized the operation of the Substance Abuse and Mental Health Services Administration, and established and reinforced penalties for illegal manufacture, sale, and possession of certain illicit drugs.

Mr. LEVIN. Mr. President, when implemented, the DATA bill, as we call it, will change significantly the way opiate addiction is addressed by allowing qualified physicians, for the first time, to prescribe in their private offices, substances which block the craving for heroin and otherwise address this deadly addiction.

Mr. HATCH. Mr. President, as Senator LEVIN knows, the DATA bill includes a provision similar to one applicable for many years to both the Medicaid and Medicare programs, which makes clear that basic decisions about the way medicine is practiced are to be made by physicians and patients, not by the federal government.

Mr. LEVIN. In other words, it is our intent that with respect to the amendments to the Controlled Substances

Act made by the provisions incorporated in H.R. 4365, decisions by qualified physicians about the appropriate means to treat their patients and to prescribe and dispense medications are not a proper matter for government regulation.

While the bill clearly provides authority for the Department of Health and Human Services to issue regulations to expand the pool of qualified physicians, it is not the intention of our legislation that those regulations extend to the practice of medicine.

Mr. HATCH. I certainly agree with that. Indeed, such an interpretation is expressly prohibited by the language: ''Nothing in such regulations or practice guidelines may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.''

Mr. LEVIN. This clarification is important, both for the qualified physicians who wish to participate in this new approach to addiction treatment and for patients for whom a new treatment option may present a life-changing possibility. I know my colleague from Utah agrees that we want this legislation to work. An unauthorized and ill-advised attempt to regulate the practice of medicine, including the practice of prescribing anti-addiction medication, would make it unworkable.

Mr. HATCH. I do agree wholeheartedly. I feel compelled to add, however, that as the Chairman of the Committee of jurisdiction, it was important to me to make certain that the bill in no way impedes the Drug Enforcement Administration [DEA] from vigorously enforcing the Controlled Substances Act. Specifically, the DATA legislation is not intended to prevent the DEA from its historic role of prosecuting physicians for dispensing controlled substances without a legitimate medical purpose.

Mr. LEVIN. I agree with my colleague. I believe we successfully balanced both interests in the DATA bill. It is important legislation and I am pleased to have had the support of the Chairman of the Judiciary Committee and Senators BIDEN and MOYNIHAN as we successfully moved this bipartisan legislation to enactment.

Ms. SNOWE. Mr. President, I rise in support of the passage of H.R. 1653, which includes the Pribilof Islands Transition Act and the Coral Reef Conservation Act of 2000. This bill contains a number of ocean, coastal, and fisheries related titles that will result in major conservation gains for our nation's marine resources at a time when we are placing enormous demands on them. The bill not only attempts to provide additional environmental protections through a number of state and local programs, but also tools for better management.

Title I of this bill is the Pribilof Islands Transition Act. The Alaskan Pribilof Islands in the Bering Sea were a former reserve for harvesting fur seals. The Commerce Department, acting through the National Oceanic and Atmospheric Administration (NOAA), has been involved in municipal and social services on the islands since 1910. In 1983, NOAA tried to remove themselves from administering these programs. However, despite the $20 million in funds the Pribilof Islands received to replace future annual Federal appropriations, the Pribilof Islanders claim that the terms of the transition process were not met and the withdrawal failed.

This title authorizes $28 million over five years to again attempt to achieve the orderly withdrawal of NOAA from the civil administration of the Pribilof Islands. Additionally, it authorizes $10 million a year for five years for NOAA to complete its environmental cleanup and landfill closure obligations prior to the final transfer of federal property to the six local entities. The Pribilof Islands have historically been a very expensive program to the American taxpayers. Congress expects that this title will provide a final termination of NOAA's municipal and social service responsibilities on the islands and a distinct end to federal taxpayer funding of those services.

Title II of this bill is the Coral Reef Conservation Act of 2000. It is based on legislation that I first introduced over three years ago and S. 725, a bill that I introduced earlier in the 106th Congress along with Senator MCCAIN, the Chairman of the Commerce Committee.

Over the last decade, the United States had been leading a focused effort to conserve and manage coral reef ecosystems. The plight of coral reefs, both in the United States and internationally, gained much attention in 1997, the International Year of the Reef. One very successful program undertaken during the year-long event involved grants to local groups to build grassroots support for coral reef conservation, management, and educational programs. Since that time, NOAA has steadily improved coral reef management programs utilizing the full range of existing statutory authorities including the Coastal Zone Management Act, the National Marine Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and Management Act, the Marine Mammal Protection Act, and the Endangered Species Act. These complementary authorities provide the framework for comprehensive coral reef conservation and management. Working in partnership with the States and other agencies, NOAA has demonstrated its unique ability among the federal agencies to effectively manage these valuable resources.

This title will augment the tools already available and provides an outline to assist NOAA as it moves forward with coral reef ecosystem management plans. It requires the creation of a national coral reef action strategy. Of particular note is the use of marine protected areas to serve as replenishment zones. The U.S. Coral Reef Task Force has called for setting aside 20 percent of coral reefs in each region of the United States that contains reefs as no-take areas. However, many of the U.S. islands that have coral reefs have significant cultural ties to these reefs. It is imperative that any new marine protected areas are developed in close cooperation with the people of these islands and account for traditional and cultural uses of these resources. Without such cooperation, there will not be public support. The national strategy will address how such traditional uses will be incorporated into these replenishment zones.

The national program will also incorporate such important topics as mapping; research, monitoring, and assessment; international and regional management; outreach and education; and restoration. According to NOAA, the majority of our nation's coral reefs are within federal waters, therefore it is expected that NOAA will continue to work cooperatively with the states, territories, and commonwealths in the development and implementation of coral reef management plans and not shift the burden of responsibility onto these states, territories, and commonwealths. It is particularly important that NOAA not let recent activities in the Northwestern Hawaiian Islands consume too much of the agency's personnel and financial resources at the expense of the rest of the nation's reefs. While the Northwestern Hawaiian Islands Coral Reef Reserve will provide protection for the majority of reefs within our borders, it will not provide protection for our most heavily degraded reefs. NOAA must work collaboratively with our island partners to implement meaningful coral reef management strategies that target the full range of problems.

The title also creates a new coral reef conservation program, which will provide grants to states, governmental authorities, educational institutions, and non-governmental organizations. This is intended to foster locally based coral reef conservation and management. Creation of a coral reef conservation fund is also authorized. This fund would allow the Administration to enter into agreements with nonprofit organizations to support partnerships between the public and private sectors to further the conservation of coral reefs and help raise the matching funds required as part of the new grants program.

The title authorizes a total of $16 million a year for fiscal years 2001 through 2004 to be spilt equally between the local coral reef conservation program and national coral reef activities. It is our expectation that this money will be utilized in such a way that builds upon partnerships with the U.S. islands.

Title III of the bill makes a number of minor technical changes to fisheries

laws. The fourth title of the bill authorizes the study of biological and environmental factors that are responsible for an increase in deaths in the eastern gray whale population. Two-hundred ninety thousand dollars is authorized for fiscal year 2001, and $500,000 is authorized for each of fiscal years 2002 through 2004.

Title V of the bill makes a technical correction to the American Fisheries Act (AFA) with regard to two fishing vessels, the *Providian* (United States Official Number 1062183) and the *Hazel Lorraine* (United States Official Number 592211). The 1998 AFA authorized the participation of certain US-owned fishing vessels in the Bering Sea pollock fishery. The AFA was designed to work in conjunction with the license limitation provisions of the fishery management plan developed by the North Pacific Fishery Management Council. Certain ''qualifying years'' were established in order to determine which vessels had earned a ''fishing history'' to allow them future access to pollock-fishing quotas. During the consideration of the AFA, the special circumstances of many vessels were taken into account. At that time, the fishing vessel *Providian* was being built in a U.S. shipyard as a replacement vessel for the pollock-fishing vessel *Ocean Spray*.

In 1994, the *Ocean Spray* was lost at sea—fortunately without the loss of a single life. Had the *Ocean Spray* not been lost, the vessel would have continued to fish for Bering Sea pollock during the years leading up to the development of the AFA. After the loss of the *Ocean Spray*, the owner-operator followed the replacement guidelines in order to secure his federal fishing permits and endorsement for his new vessel, the *Providian*. According to landing records, it appears that the average pollock harvest of the *Ocean Spray* during the years 1992 through 1994, exceeded 2000 metric tons.

Since the construction on the *Providian* was completed, the owner decided to bring his vessel to Bath, Maine to work in the Maine herring fishery. The current location of this vessel does not eliminate the need to establish fairness and restore the vessel owner's pollock-fishing rights earned with the *Ocean Spray* during 1992–1994. This amendment to the AFA is intended to provide the North Pacific Fishery Management Council and the National Marine Fisheries Service with the authority to qualify the *Providian* under the AFA with directed onshore pollock-fishing rights equivalent to those earned by the *Ocean Spray* during the years 1992–1994.

Mr. President, the authors of the AFA certainly took into account the particular circumstances of other vessel owners and companies. This technical amendment simply qualifies two vessels, the *Providian* and the *Hazel Lorraine* under the AFA for fishing rights that they otherwise should have received allow for the participation of two additional catcher vessels in the Alaskan pollock fishery. These vessels were able to demonstrate that they should have been included in the Act when it passed in 1998.

I would like to thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to thank Senator INOUYE for his support, particularly for his contributions to the coral reef conservation section of the bill. In addition, I would like to thank Senator MCCAIN, the chairman of the Commerce Committee, and Senator HOLLINGS, the ranking member of the Committee, for their bipartisan support of this measure. We have before us an opportunity to significantly improve our nation's ability to conserve and manage our marine resources and I urge the Senate to pass H.R. 1653, as amended.

RECOGNITION OF CONGRESSMAN NEIL STAEBLER

Mr. LEVIN. Mr. President, I rise today to acknowledge the life and accomplishments of a distinguished and principled public servant who served as a Member of Congress from my home state of Michigan, Neil Staebler. For nearly six decades, Neil embodied the very ideals on which this nation was founded. Born in 1905, Neil Staebler is widely credited as a founder of the modern Michigan Democratic Party. However, Neil's greatest desire was to make our government work for all its citizens.

Throughout his life, Neil dedicated himself to serving the United States of America. At the age of thirty-seven, he joined the World War II effort by enlisting in the United States Navy, where he served as a lieutenant.

After the conclusion of the war, Neil and a group of other distinguished citizens from Michigan, including former Governor G. Mennen Williams, former Congresswoman and Lieutenant Governor Martha Griffiths, and Martha's husband Hicks, helped to re-shape the Michigan Democratic Party and alter the landscape of Michigan politics. They sought to reinvigorate the Democratic Party and make it more responsive to the will and the needs of Michigan's citizens. Their efforts led to a renewed vibrancy within the Michigan Democratic Party, and propelled Neil to the chairmanship of the Party.

Neil served as state chairman for over a decade, and was able to use his position to encourage active political participation by all people. In addition to serving as state chairman and winning a seat to Congress in 1962, he ran an unsuccessful but hard fought challenge of Governor George Romney in 1964.

While he was a loyal member of the Democratic Party, Neil Staebler was first and foremost committed to our nation's institutions and the need for all citizens to participate in the democratic process. President Gerald Ford recognized Neil's commitment to civic participation when he appointed him to serve on the first Federal Elections Commission.

Throughout this year's election, people of differing political allegiances have remarked on the stable and resilient nature of our nation's institutions. Our health as a democracy is due, in a large part, to the dedication and efforts of individuals like Neil Staebler. Neil Staebler was one of the true lions of Michigan and American politics. I am sure that my Senate colleagues will join me in honoring the memory of Neil Staebler, and in wishing his wife Burnette and their family well in the years ahead.

THE MILLENNIUM HOLIDAY TREE

Mr. ALLARD. Mr. President, the wonderful tree currently gracing the West lawn of this Capitol is from Colorado. I have had the pleasure of working towards getting this tree to DC for 2½ years, and I wanted to share with my colleagues a little about my home state's gift to the nation.

The Millennium Holiday Tree is a gift from the entire state of Colorado to our nation. It is a celebration of all that is Colorado: natural beauty, many cultures, cities and rural communities, and our rich history. The Colorado tree will be shining through early January 2001. The Millennium Holiday Tree is a native Colorado Blue Spruce which stands 65' tall and was projected to be 77 years old at the time of cutting. It was grown on the Pike National Forest near the community of Woodland Park. The tree was selected from this area because it is in the shadow of Pikes Peak, often referred to as ''America's Mountain''.

The Colorado State Forest Service is growing seedlings from the ''grandma'' tree. Seedlings from the Millennium Holiday Tree will be replanted at the cutting site. The Governor and Francis Owens were among the first to receive a Holiday Tree seedling for their support of this project. Hundreds of seedlings will also be planted in memorial forests around the state as part of Holiday Tree celebrations.

Colorado school children made over 4,000 ornaments for the tree. They each depict the theme: ''Valuing the Past—Looking to the Future''. Each county had the opportunity to supply 100 ornaments for the Millennium Holiday Tree and the companion trees.

Through the many community events, we celebrated the richness of Colorado. Each reflected the wide range of cultural and historical influences present in our communities—Native American, Hispanics, pioneers, and others. Local celebrations were encouraged in each of Colorado's 64 counties and at each of the 10 stops along the Tree route. Santa Fe Trail communities in Kansas and Missouri joined the celebrations too, including one in St. Louis at a National Park Service historic site. After the cutting ceremony on November 20th, the tree was

moved indoors where the limbs were drawn up and secured for the long journey. A 65-foot trailer, designed to look like a historic Conestoga pioneer wagon, hauled the tree. Organizers used an experimental shrink wrap method to keep the tree fresh and secure from weather damage. The tree traveled caravan-style here to our nation's Capitol following the Santa Fe Trail, a historic trade route through Colorado, Kansas and Missouri. My friend and our colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL, actually drove the tree carrying truck all the way out here. He told me he had a great time, and I believe him.

Sixty four smaller companion trees, one from each county, traveled with the Millennium Holiday Tree and were placed in various government offices throughout DC.

This entire project was made possible through generous financial and in-kind support from the many sponsors. Volunteers, donations, and sponsorships made it all possible. Unused surpluses from this project will be set aside for a rural endowment fund. The year 2000 will be the 31st year a tree has been provided by the U.S. Forest Service and its partners. And I want to especially thank Dr. Raitano and Bill Nelson for their incredible work on this. They ''parented'' the project for years and it is due to their efforts it all turned out so well.

''SHALL ISSUE'' LEGISLATION IN MICHIGAN

Mr. LEVIN. Mr. President, late Wednesday night, the Michigan Legislature passed a bill that, if signed, will have a negative impact on public safety in my home state. The legislature passed the ''shall issue'' bill which would require that local licensing authorities ''shall'' or must issue a concealed handgun license to a person who passes a background check and a safety course. Notably, the legislature waited until after the election to pass the legislation.

The current law in our state now gives local gun boards discretion to issue concealed gun licenses where a need is shown. Current law allows local gun boards—each made up of a local sheriff, a county prosecutor and a designee of the State police—to determine who should be allowed to carry a concealed handgun. The legislation before the state legislature would take discretion away from local law enforcement and allow virtually any applicant to carry a concealed handgun.

In May of 1999, when the State Legislature last took up this bill, a coalition of law enforcement groups led the fight against it. Law enforcement soundly rejects the proliferation of concealed weapons in our communities and have warned that this legislation will move Michigan in a dangerous direction.

The Michigan Law Enforcement Coalition issued the following statement about the bill:

Current law authorizes a local gun board made up of local law enforcement officials to issue CCW [Carry Concealed Weapons] licenses to those citizens who show a demonstrated need to carry a concealed weapon. Legislation that would shift the burden of proof, requiring the board to issue a permit unless it can state a reason, is a state-mandated ''shall issue'' bill and eliminates local control.

The Michigan Law Enforcement Coalition opposes any legislation which strips local gun boards of their discretion and shifts the burden of proof from the applicant to the gun board.

The Michigan Association of Chiefs of Police issued this statement:

This bill not only puts citizens at risk but will also effect law enforcement officers trying to do a difficult and dangerous job. Officers, already concerned due to the proliferation of handguns, would have even more apprehension knowing that the odds of confronting a concealed weapon have been multiplied. The presence of a gun can make any situation more dangerous. A gun can turn routine arguments into episodes of serious injury or death. During stressful times reasonable people do unreasonable things. The shouting match over a parking space or the fist fight at a sporting event can escalate into a shoot-out when guns are more accessible. Already nearly one-third of all murders committed are the result of an argument according to the FBI's Uniform Crime Report.

The Michigan Association of Chiefs of Police urges the Michigan Legislature to refrain from allowing the proliferation of concealed weapons without adequate safeguards by county licensing authorities. An armed society is a frightened and dangerous society.

Law enforcement groups were joined in their opposition to this bill by religious leaders, child advocates, and community leaders. Groups such as the Michigan Catholic Conference, Michigan PTA, Michigan Municipal League, Michigan's Children, Michigan Library Association, Michigan Association of Elementary and Middle School Principals, Michigan Association of Nonpublic Schools-Parent Network, Michigan Partnership to Prevent Gun Violence, Michigan Association of Theatre Owners, and National Conference for Community and Justice are unified against the ''shall issue'' standard.

Mr. President, I am disappointed that the Michigan Legislature passed this bill. I believe ''shall issue'' is wrong for Michigan and I have urged the Governor to veto the bill. I ask unanimous consent to have printed in the RECORD the letter I sent to the Governor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 13, 2000.

Hon. JOHN ENGLER,
Governor of the State of Michigan,
Lansing, MI.

DEAR GOVERNOR ENGLER: I am writing to urge you to veto the ''shall issue'' legislation which recently passed the Michigan Legislature.

The ''shall issue'' legislation would make us less safe according to those best in a position to know. That's why it is opposed by a broad coalition of law enforcement groups such as the Michigan Association of Chiefs of Police and the Michigan Police Legislative Coalition (which includes the Michigan State Police Troopers Association, the Michigan State Police Command Officers Association, the Michigan Association of Police, the Police Officers Labor Council, Detroit Police Lieutenants and Sergeants Association, Detroit Police Officers Association, Warren Police Officers Association, and Flint Police Officers Association).

Law enforcement officers, who undergo an initial 72 hours of firearms training as well as annual re-training, have warned that allowing thousands more private citizens to carry concealed handguns would pose significant threats to public safety. It is unrealistic to expect citizens with a fraction of the training to demonstrate the same precautions and the same judgment as police officers. There is no justification for making the already difficult and dangerous job of an officer even more difficult and dangerous by increasing the number of concealed handguns on the streets.

I am also concerned that an increase in concealed weapons licenses will effectively expand an exception in the Brady background check system. The ''Brady Law'' provides that licensed gun dealers are not required to initiate criminal background checks if the purchaser presents a state-issued license to carry a firearm which was issued within five years. This would mean that people who have committed crimes after they have received concealed carry licenses would be able to purchase additional guns with no background checks unless and until their licenses are revoked.

Although the ''shall issue'' legislation allows the State to suspend or revoke a license if the license holder has committed a potentially disqualifying crime, the experiences of other states with such laws show that revocation doesn't happen instantly or always successfully. Some states with ''shall issue'' laws have acknowledged mistakenly issuing hundreds of licenses to applicants with prior convictions. Once those persons manage to slip through the screening process for concealed gun licenses that one time, they are then able to buy guns without further background checks for five years.

Earlier this year, all eyes turned to Michigan after the tragic shooting death of Kayla Rolland. Now, nearly ten months later, the people of Michigan want all of us to work toward decreasing the amount of gun violence in their schools and community places, not increasing the proliferation of guns in our neighborhoods and on our streets. The people of Michigan reject the notion that they will be unsafe in public places if not armed. I urge you to do the same and to veto the ''shall issue'' legislation, leaving local gun boards in charge of these often life and death decisions.

Sincerely,

CARL LEVIN.

RECOMMENDATION OF GLENN A. FINE

Mr. KOHL. Mr. President, I want to voice my support today for Glenn Fine, who would truly be an outstanding Inspector General at the Department of Justice. As you know, the Inspector General is charged with investigating waste, fraud, abuse and corruption. As such, it is a position of critical importance that we should have filled before adjourning for the year to ensure accountable and effective oversight of the DOJ.

Mr. Fine has been dealing with corruption ever since the Harvard-Boston

College basketball game on December 16, 1978, in which he scored 19 points and had 14 assists—perhaps his best performance in college—only to discover later that this particular game was part of a notorious point-shaving scandal. No doubt this first-hand experience drove him in his later quest to weed out corruption at the Department of Justice.

More seriously, though, Mr. Fine has served in a variety of professional roles and always in an exemplary fashion. He is currently the Director of the Special Investigations and Review Unit in the Department of Justice's Office of the Inspector General, where he has supervised a variety of sensitive internal investigations, including the FBI's handling of the Aldrich Ames case. He also worked as an Assistant U.S. Attorney for the District of Columbia, where he prosecuted more than 35 criminal jury trials. His academic credentials are stellar as well. He is a Rhodes Scholar and he was graduated magna cum laude from Harvard Law School. Finally, though this is a political appointment, Mr. Fine is non-partisan—exactly the type of appointee that a Republican President might very well consider keeping on. He worked as an Assistant U.S. Attorney during the Reagan and Bush administrations, and has never been involved in a political campaign.

As this session of Congress comes to a close, a position as important as the Inspector General should have been filled. I'm only sorry that an individual as outstanding as Mr. Fine was not confirmed.

COMMODITY FUTURES MODERNIZATION ACT OF 2000

Mr. HARKIN. Mr. President, I want to thank and commend Chairman LUGAR for all of his hard work and leadership in bringing the Commodity Futures Modernization Act to the point of this final, agreed upon bill, which will be a part of the appropriations measure passed later today. I am pleased to have had the opportunity to work with Chairman LUGAR on this important legislation and to cosponsor it.

This bill will bring much-needed modernization, legal certainty, clarification and reform to the regulation of futures, options and over-the-counter financial derivatives. At the same time, it maintains regulatory oversight of the agricultural futures and options markets and continues and improves protections for investors and the public interest with regard to futures, options and derivatives.

The legislation carries out the recommendations of the President's Working Group on Financial Markets. Members and staff of the Working Group, especially the Department of the Treasury, the Commodity Futures Trading Commission and the Securities and Exchange Commission, were instrumental in helping to craft the bill. And it is significant that this final version of the bill is strongly supported by all members of President's Working Group on Financial Markets. I ask unanimous consent that a letter from the Working Group be printed in the RECORD at the conclusion of this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HARKIN. After many years of effort, this legislation resolves a number of very difficult issues regarding the trading of futures on securities—issues that have caused a great many headaches as well as disparities in the markets over the years. I am pleased that we have been able to arrive at solutions that clear away regulatory impediments to market development, while maintaining and strengthening investor protections and addressing margin and tax issues in order to avoid giving any market an inappropriate competitive advantage over others involved in related transactions.

Clearly, modernizing the regulatory scheme for futures and derivatives must be balanced with maintaining and strengthening protection for individual investors and the public interest. The principal anti-fraud provision of the Commodity Exchange Act is section 4b, which the Commodity Futures Trading Commission has consistently relied upon to combat fraudulent conduct, such as by bucket shops and boiler rooms that enter into transactions directly with their customers, even though such conduct does not involve a traditional broker-client relationship. Reliance on section 4b in such circumstances has been supported in federal courts that have examined the issue, and is fully consistent with the understanding of Congress and with past amendments to Section 4b, which confirmed the applicability of Section 4b to fraudulent actions by parties that enter transactions directly with customers. It is the intent of Congress in retaining Section 4b in this bill that the provision not be limited to fiduciary, broker-client or other agency-like relationships. Section 4b provides the Commission with broad authority to police fraudulent conduct within its jurisdiction, whether occurring in boiler rooms and bucket shops, or in the e-commerce and other markets that will develop under this new statutory framework.

I would also like to discuss my views regarding the substantial regulatory changes for electronic markets in derivatives relating to non-agricultural commodities. Essentially, those commodities are energy and metals. With particular regard to energy, given the recent high volatility in energy markets—with dramatic price increases for gasoline, heating oil, natural gas and electricity—we must take great care in whatever Congress does affecting the way in which markets in energy function. In the Agriculture Committee, I worked to remove an outright exclusion from the bill and basically to continue with the substantial exemption the Commodity Futures Trading Commission had already granted for energy and metal derivatives. Later, there were further negotiations to arrive at the provisions on this subject that are in this bill.

While I still have certain reservations about the energy and metals markets, I recognize the need for compromise, particularly in considering the overall importance and positive features of this legislation. This bill's language and Congressional intent is clear that the Commodity Futures Trading Commission retains a substantial role in ensuring the honesty, integrity and transparency of these markets. For exempt commodities that are traded on a trading facility, this bill clearly specifies that if the Commission determines that the facility performs a significant cash market price discovery function, the Commission will be able to ensure that price, trading volume and any other appropriate trading data will be disseminated as determined by the Commission. This bill also clearly continues in full effect the Commission's anti-fraud and anti-manipulation authority with regard to exempt transactions in energy and metals derivatives markets.

I also want to mention and express appreciation for the cooperation of Chairman GRAMM and Ranking Member SARBANES of the Banking Committee in completing this bill. With respect to banking products, the language of the bill clarifies what is already the current state of the law. The Commodity Futures Trading Commission does not regulate traditional banking products: deposit accounts, savings accounts, certificates of deposit, banker's acceptances, letters of credit, loans, credit card accounts and loan participations.

The language of Title IV of this bill is very clear and very tightly worded. It requires that to qualify for the exclusion, a bank must first obtain a certification from its regulator that the identified bank product was commonly offered by that bank prior to December 5, 2000. The product must have been actively bought, sold, purchased or offered—and not be just a customized deal that the bank may have done for a handful of clients. The product cannot be one that was either prohibited by the Commodity Exchange Act or regulated by the Commodity Futures Trading Commission. In other words—a bank cannot pull a futures product out of regulation by using this provision.

For new products, Title IV is also abundantly clear: the Commodity Exchange Act does not apply to new bank products that are not indexed to the value of a commodity. Again, the plain language is clear and the intent of Congress is clear that no bank may use this exclusion to remove products from proper regulation under the Commodity Exchange Act.

Lastly, Title IV allows hybrid products to be excluded from the Commodity Exchange Act if, and only if, they pass a ''predominance test'' that

indicates that they are primarily an identified banking product and not a contract, agreement or transaction appropriately regulated by the CFTC. While the statute provides a mechanism for resolving disputes about the application of this test, there is no intent that a product which flunks this test be regulated by anyone other than the CFTC.

Once again, I commend Chairman LUGAR and Congressman TOM EWING, the Chairman of the Subcommittee on Risk Management, Research and Specialty Crops, as well as all staff involved for their outstanding work in making this important legislation a reality.

EXHIBIT 1

DECEMBER 15, 2000.

Hon. TOM HARKIN,
Ranking Member, Committee on Agriculture, Nutrition, and Forestry U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: The Members of the President's Working Group on Financial Markets strongly support the Commodities Futures Modernization Act. This important legislation will allow the United States to maintain its competitive position in the over-the-counter derivative markets by providing legal certainty and promoting innovation, transparency and efficiency in our financial markets while maintaining appropriate protections for transactions in non-financial commodities and for small investors.

Sincerely,

LAWRENCE H. SUMMERS,
Secretary, Department of the Treasury.
ARTHUR LEVITT,
Chairman, Securities and Exchange Commission.
ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve.
WILLIAM J. RAINER,
Chairman, Commodity Futures Trading Commission.

INCREASING THE FEDERAL DEPOSIT INSURANCE LEVEL

Mr. JOHNSON. Mr. President, I rise today to briefly discuss S. 2589, the Meeting America's Investment Needs in Small Towns Act, or the MAIN Street Act as I call it. Not only is Main Street the acronym formed by this title, but it goes to the heart of why this legislation is necessary.

As we move into the new economy, money is flowing from our small towns and communities to the larger financial markets. While each individual investment decision may make sense, the cumulative effect is a wealth drain from rural America. Money invested in Wall Street is not invested on Main Street. Wall Street wizards can work wonders with a portfolio, but they don't fund a new hardware store down the street. They don't go the extra mile to help a struggling farmer whose family they have served for years. And they don't sponsor the local softball team.

By increasing the federally insured deposit level, we can help community banks and thrifts compete for scarce deposits. My legislation will account for the erosion to FDIC-insured levels from 1980. It will index these levels into the future, protecting against further erosions.

Under current calculations, the immediate impact would be to almost double the insured funds, from $100,000 to approximately $197,000. The long range impact of this legislation would be to make locally based financial institutions more competitive for deposits, help stem the dwindling deposit base many areas face, and lead to new investments in our communities.

Congress last addressed the issue of a deposit insurance increase in 1980. At that time, we increased the insured level from $40,000 to $100,000. Congress has not adjusted that level since 1980. In real terms, inflation has eroded almost half of that protection.

Every bank or thrift customer knows that the FDIC insures deposits up to $100,000. For many people, that notice symbolizes that the financial might of the United States government stands behind their banking institution. We learned the hard lessons of the 1930s, and created the FDIC to protect and strengthen our financial system.

In rural communities across America, local banks serve as the hub of the town. Every business in town relies on the bank for funding. The banker knows the town, and the town knows the banker. In many ways, each knows it disappears without the other.

Individuals in these towns like to know who is handling their money. They like the idea that their funds are secure in their home town. And, they like the fact that their money can be leveraged into other investments that will improve their communities. The more deposits a bank has, the more loans it can make. These loans are made locally, and serve as an investment in local communities.

The MAIN Street Act will help preserve these small towns and communities. It will bring greater liquidity to community banks and promote growth and development. I look forward to working with the FDIC and other banking leaders as we seek to update our banking insurance protections to allow small banks to compete with other investment opportunities available. I ask unanimous consent to have printed in the RECORD an article by Bill Seidman which further outlines some of the issues surrounding federal deposit insurance.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

$200,000 OF FDIC INSURANCE? THE BATTLE HAS JUST BEGUN

The battle is on—in one corner there's the proverbial David in the person of the FDIC Chairman Donna Tanoue, and in the other corner, three giant Goliaths—Senate Banking Committee Chairman Phil Gramm, Treasury Secretary Lawrence Summers, and Federal Reserve Board Chairman Alan Greenspan

Technically the conflict is over the FDIC's Deposit Insurance Option Paper (published in August), which suggested (some said foolishly) that deposit insurance coverage should be increased from $100,000 to $200,000 per depositor. As the paper pointed out, such an increase would compensate for the last 20 years or so of inflation since the insurance level was set at $100,000. The new ceiling might also help to meet an increasingly difficult problem for community banks—obtaining sufficient deposits to meet growing loan demand. Core deposits as a source of funding for community banks have steadily declined and largely are being replaced by loans from the Federal Home Loan Banking System.

Once this idea was floated, Senator Gramm, and ever-pure free marketer, reacted with a resounding ''No way—not on my watch!'' At a recent Senate committee hearing (on an unrelated subject) Gramm gained support for his position from the secretary of the Treasury and the Fed chairman. Treasury said it doesn't agree with the proposal because it increases risk taking and possible government liability; Greenspan said ''no'' because he feels it's a subsidy for the rich. (I guess he's been in government so long that anyone who has over $100,000 is really rich.)

Do these opinions nix the possibility for a change in the deposit insurance ceiling? I don't believe so. This is a complex issue that will require congressional hearings and much research, because it relates to ''too big to fail'' policies and overall financial reform. Here are some of the important points to be weighed in this debate.

Increasing deposit insurance brings more financial risk to government—Possible, but unlikely, since the bank insurance fund has never cost the Treasury a penny (the thrift insurance fund is the one that went broke. Even Chairman Tanoue and Fed Governor Meyer have pointed out that the greatest risk to the fund is likely to be the failure of a large complex bank. Moreover, the risk is much greater to the federal government when it supports a huge home loan bank financing institution (another quasi-governmental agency such as Fannie Mae or Freddie Mac)—where any trouble means big trouble.

It distorts the operations of the free market—This is also referred to as creating a ''morale hazard,'' the idea being that FDIC depositors won't have to worry about the condition of the bank. Of course, the so-called free market is out of kilter anyway, what with the Federal Reserve's discount window and the Treasury's bailout of Mexico and half of Asia through the IMF. In fact, the government seldom does anything that doesn't impact the free market (think environmental protection, antitrust, regulation of good drugs, bad drugs, and so on). The issue of whether to increase the deposit insurance ceiling has less to do with distortion of the free market than it does with whether this particular action in total is ''good for the country.'' (In the case of Mexico, for instance, the free marketers decided that a U.S. bailout of rich U.S. business leaders was good for the country and the world; bingo, the funds were granted.)

It's a subsidy for the rich—It's debatable whether FDIC insurance is a subsidy at all. Most economists (though not Greenspan) doubt that there is much of a subsidy because the banks have paid for all of the insurance and the insurance fund has covered any losses.

Now that I've laid out the opposing views, here are several good reasons for approving the FDIC deposit guarantee increase:

It will level the competitive playing field—Historically, governments have protected all bank depositors when very large banks are in trouble, thus providing an implicit guarantee of unlimited insurance for those institutions (e.g., Japan, Saudi, Korea, Thailand,

and the U.S.). Therefore, at the very least, the increase to $200,00 tends to give community banks a better chance to maintain their deposit base against a too-big-to-fail competitor.

The increase will reduce the risk that smaller banks and the communities they serve will stagnate due to the banks' inability to obtain funding at a reasonable cost—It could also reduce future FDIC insurance payments if these weak banks fail in the next recession. (Incidentally, an FDIC study shows that if the insurance level had been at $200,000 during the problems of the '80s and '90s, it would not have materially increased FDIC insurance costs.)

The increase will help to maintain a banking system that is decentralized and diverse—This type of system helps the economy, boosts productively, and promotes entrepreneurship—important factors in our present prosperity.

It provides a savings incentive—As more baby boomers retire with savings in excess of $100,000, the increased FDIC insurance coverage will provide a convenient and conservative savings option and will encourage savings, which all economists agree would be good for the U.S. economy.

You may have guessed by now that I'm rooting for the corner with little David (Chairman Tanoue) in this important policy showdown—and the battle is far from over. Why? I'll simply use the litmus test that applies to all other proposed reforms: It's good for the country.

RECOGNITION OF SERVICE TO THE STATE OF MICHIGAN

Mr. ABRAHAM. Mr. President, as I leave the service of the Senate, I would like to take a moment and recognize the service of my dedicated staff over these last six years. Pay in a Congressional office is not great, Mr. President, the hours are incredibly long, and often times the work they do goes unheralded. But still these staffers dedicate their time and effort to helping the people of Michigan and advancing their interests.

I would like to take this opportunity, on behalf of the people of the State of Michigan, to thank them all for their dedicated and tireless service.

Mr. President, at this point I would like to enter into the RECORD a list of those people that have served on my staff, both here in Washington and back in Michigan, as a way of thanking them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STAFF OF SENATOR SPENCER ABRAHAM, 1994–2000

Mohammed Abouharb, Staff Assistant; Stuart Anderson, Director of Immigration Policy and Research; Gregory Andrews, Regional Director; Anthony Antone, Deputy Chief of Staff; Sandra Baxter, Assistant to the State Chief of Staff; Beverly Betel, Staff Assistant; Rachael Bohlander, Legislative Assistant.

David Borough, Computer Specialist; Michell Brown, Staff Assistant; Katja Bullock, Office Manager; Carrie Cabelka, Staff Assistant; Cheryl Campbell, Regional Director; Robert H. Carey, Jr., Legislative Director; David Carney, Mail Room Manager.

Joseph Cella, Regional Director; Cesar V. Conda, Administrative Assistant/Legislative Director; Adam Condo, Systems Administrator; Jon Cool, Staff Assistant; Ann H. Coulter, Judiciary Counsel; Majida Dandy, Executive Assistant; Anthony Daunt, Staff Assistant.

Joe Davis, Director of Communications; Nina De Lorenzo, Press Secretary; Larry D. Dickerson, Chief of Staff/Michigan Operations; Joanne Dickow, Legal Advisor; Hope Durant, Executive Assistant to the Chief of Staff; Sharon Eineman, Senior Caseworker.

Paul Erhardt, Special Assistant; Tom Frazier, Regional Director; Bruce Frohnen, Speech Writer; Renee Gauthier, Caseworker; Jessica Gavora, Special Advisor; David Glancy, Staff Assistant; Thomas Glegola, Special Assistant.

Todd Gustafson, Regional Director; Alex Hageli, Staff Assistant; Mary Harden, Staff Assistant; Phil Hendges, Regional Director; Paul Henry, Staff Assistant; Joanna Herman, Special Assistant; Melissa Hess, Staff Assistant.

Stephen Hessler, Deputy Press Secretary; Kate Hinton, Deputy Chief of Staff; David Hoard, Special Assistant; Kevin Holmes, Special Assistant; Kelly Hoskin, Caseworker; Michael J. Hudome, Special Assistant; Randa Fahmy Hudome, Counselor.

F. Chase Hutto, Judiciary Counsel; Michael Ivahnenko, Staff Assistant; Eunice Jeffries, Regional Director; Kaveri Kalia, Press Assistant; Raymond M. Kethledge, Judiciary Counsel; Elizabeth Kessler, General Counsel; Kevin Kolevar, Senior Legislative Assistant.

Jack Koller, Systems Administrator; Kerry Kraklau. Systems Administrator; Peter Kulick, Caseworker; Kristin La Mendola, Staff Assistant; Patricia LaBelle, Regional Director; Brandon L. LaPerriere, Legislative Assistant; Stuart Larkins, Staff Assistant.

Matthew Latimer, Special Assistant; Joseph P. McMonigle, Administrative Assistant/General Counsel; Eileen McNulty, West Michigan Director; Meg Mehan, Special Assistant; Rene Myers, Regional Director; Jennifer Millerwise, Staff Assistant; Denise Mills, Staff Assistant.

Maureen Mitchell, Staff Assistant; Sara Moleski, Regional Director; Jessica Morris, Deputy Press Secretary; Margaret Murphy, Press Secretary; Tom Nank, Southeast Michigan Assistant; James Patrick Neill, Director of Scheduling; Shawn Neville, Northern West Michigan Regional Director.

Na-Rae Ohm, Special Assistant; Lee Liberman Otis, Chief Judiciary Counsel; Kathryn Packer, Director of External Affairs; Chris Pavelich, Regional Director; John Petz, Southeast Michigan Director; James L. Pitts, Chief of Staff; Conley Poole, Staff Assistant.

John Potbury, Regional Director; Tosha Pruden, Caseworker; Laurine Bink Purpuro, Deputy Chief of Staff; Lawrence J. Purpuro, Chief of Staff; Brian Reardon, Legislative Assistant; Elroy Sailor, Special Assistant; David Seitz, Mail Room Manager.

Dan Senor, Director of Communications; Mary Shiner, Regional Director; Anthony Shumsky, Regional Director; Alicia Sikkenga, Special Assistant; Lillian Simon, Staff Assistant; Lillian Smith, Director of Scheduling; Anthony Spearman-Leach, Regional Director.

Robert Steiner, Mail Room Manager; Anne Stevens, Special Assistant; Matthew Suhr, Special Assistant; Julie Teer, Press Secretary; Amanda Trivax, Staff Assistant; Meagan Vargas, Special Assistant; Shawn Vasell, Staff Assistant.

Olivia Joyce Visperas, Staff Assistant; Sue Wadel, Legal Advisor; Seth Waxman, Caseworker; Jeffrey Weekly, Special Assistant; Jennifer Wells, Caseworker; La Tonya Wesley, Special Assistant; Tyler White, Special Assistant; Patricia Wierzbicki, Regional Director; Gregg Willhauck, Legislative Counsel; Billie Kops Wimmer, State Director.

Mr. ABRAHAM. Mr. President, I thank my colleagues for this opportunity, and I yield the floor.

BENEFITS IMPROVEMENT AND PROTECTION ACT

Mr. BAUCUS. Among the most pressing issues facing American senior citizens and persons with disabilities is the need for coverage of prescription drugs under Medicare. While we in Congress continue to work to reach consensus on a Medicare prescription drug benefit, I applaud the bipartisan efforts of my colleagues to restore and preserve Medicare coverage for certain injectable drugs and biologicals that are crucial to seniors and persons with debilitating chronic illnesses. To this end the Act contains a tremendously important provision which amends Section 1861(s)(2) of the Social Security Act relating to coverage under Medicare Part B of certain drugs and biologicals administered incident to a physician's professional service. Because it is expected that the Act will be passed without any accompanying Committee Report language, and due to its importance to thousands of citizens, I rise to explain this statutory language.

The Medicare Carrier Manual specifies that a drug or biological is covered under this provision if it is ''usually'' not self-administered. Under this standard, Medicare for many years covered drugs and biological products administered by physicians in their offices and in other outpatient settings. In August 1997, however, the Health Care Financing Administration issued a memorandum that had the effect of eliminating coverage for certain products that could be self-administered. This changed policy interpretation resulted in thousands of patients who until that time had had coverage for drugs or biologicals for their illnesses, including intramuscular treatments for multiple sclerosis, being denied coverage for these same drugs and biologicals. At a time when the Congress and the Administration are seeking to expand Medicare prescription drug coverage, this HCFA policy has led to a reduction in coverage of many treatments.

The Act's language clarifies the Medicare reimbursement policy to ensure that HCFA and its contractors will reimburse physicians and hospitals for injectable drugs and biologicals for illnesses such as multiple sclerosis and various types of cancer as they had been reimbursed prior to the 1997 memorandum. The new statutory language contained in the Act requires coverage of ''drugs and biologicals which are not usually self-administered by the patient,'' thus restoring the coverage policy that was in effect prior to the August 1997 HCFA memorandum. In carrying out this provision, HCFA

should not narrowly define the word ''usually.'' Nor should HCFA make unsupported determinations that a drug or biological is usually self-administered. In addition, HCFA should assume, as it did for many years, that Medicare patients do not usually administer injections or infusions to themselves, while oral medications usually are self-administered. HCFA should also continue to take into account the circumstances under which the drug or biological is being administered. For example, products that are administered in emergencies should be covered even though self-administration is the usual method of administration, in a non-emergency situation.

I believe that to implement Congressional intent on this provision, HCFA must promptly issue a memorandum to inform its contractors (e.g. carriers and intermediaries) of the change in the law.

I commend the efforts of the bipartisan sponsors of this provision for correctly clarifying the intent of the Medicare reimbursement coverage policy for injectable drugs and biologicals. This issue is of vital importance to thousands of our citizens that are afflicted with debilitating illness such as multiple sclerosis. As Congress and the nation continue to engage in a discussion on expanding prescription drug coverage under Medicare, this is an important step to provide our seniors and persons with disabilities with the life-saving prescription drugs and biologicals that they deserve. I look forward to continue working with the Administration and HCFA to ensure that our seniors and persons with disabilities receive coverage for injectable drugs and biologicals.

FAREWELL TO MANUS COONEY

Mr. HATCH. Mr. President, I would like to take just a moment to offer my public thanks and appreciation to the Judiciary Committee's chief counsel and staff director, Manus Cooney, for all his dedicated work over the last 7 years he has served on my staff, and for his exemplary 12-year career in the Senate.

Manus has been my right hand. I want to state that for the RECORD so that 10 years from now his daughters—Caitlin, Claire, and Tara—will know why their father was hardly ever home for dinner. Let me say to them that, without his tremendous efforts, we could not have accomplished half as much for our country.

Let me also say to my colleagues that I know Manus was tenacious. Senators and staff alike always took it seriously when Manus was on a mission. Believe me, I got as many orders and assignments as you did.

Seriously, though, it was amazing to me how Manus always kept the faith—he believed in what we were doing and never gave up.

I am going to miss him. He will be leaving my office at the end of the year for a new, exciting opportunity to develop corporate strategy and to head Napster's new Washington office. He is the right guy for this job. He has the energy and the know-how to help Congress understand and connect with the complex and rapidly changing high-tech world. Manus is the kind of person who does not face the challenges of an unknown future with dread, but rather with enthusiasm.

So, as we close out this extraordinary 106th Congress, I hope my colleagues will join me in expressing appreciation to Manus for his loyalty and his tremendous contribution to the Senate and to public service. I wish him all the best in the future.

THE INTERNATIONAL CRIMINAL COURT

Mr. LEAHY. Mr. President, I rise today to voice my strong support for the International Criminal Court, ICC. Like all Senators, indeed like all Americans, I understand the need to safeguard innocent human life in wartime, at the same time that we ensure that the rights of our military personnel are protected. The Rome Treaty establishing the International Criminal Court will achieve both those goals, and I urge President Clinton to sign the Treaty before the December 31 deadline.

The Treaty was approved overwhelmingly two years ago by a vote of 120 to 7. Since then, 117 nations have signed the Treaty—including every one of our NATO allies except Turkey, all of the European Union members, and Russia. Regrettably, the U.S. joined a handful of human rights violators like Libya and Iraq in voting against it. Only one of our democratic allies voted with us, and it is quite possible that we will end up as the only democratic country that is not a party to the Court.

During the last century, an estimated 170 million civilians were the victims of war crimes, crimes against humanity, and genocide. Despite this appalling carnage, the response from the international community has been, at best, sporadic, and at worst, non-existent.

While there was progress immediately following World War II at Nuremberg and Tokyo, the Cold War saw the international community largely abdicate its responsibility and fail to bring to justice those responsible for unspeakable crimes, from Cambodia to Uganda to El Salvador.

In the 1990s, there was renewed progress. The U.N. Security Council established a tribunal at The Hague to prosecute genocide and other atrocities committed in the Former Yugoslavia. A second tribunal was formed in response to the horrific massacre of more than 800,000 people in Rwanda.

In addition, individual nations have increasingly taken action against those who have committed these crimes.

Spain pursued General Pinochet, and he may yet be prosecuted in Chile. The Spanish Government has requested Mexico to extradite Richardo Miguel Cavallo, a former Argentine naval officer who served under the military junta, on charges that include the torture of Spanish citizens.

A number of human rights cases have also been heard in U.S. civil courts. In August, 2000, $745 million was awarded to a group of refugees from the Balkans who accused Radovan Karadzic of conducting a campaign of genocide, rape, and torture in the early 1990s. Also that month, an organization representing Chinese students who are suing the Chinese Government for its brutality during the 1989 Tiananmen Square protests, successfully served papers on Li Peng, the former Chinese Premier, as part of an ongoing lawsuit.

They are important steps towards holding individuals accountable, deterring future atrocities, and strengthening peace. But the ICC would fill significant gaps in the existing patchwork of ad hoc tribunals and national courts. For example:

A permanent international court sends a clear signal that those who commit war crimes, crimes against humanity, and genocide will be brought to justice.

By eliminating the uncertainty and protracted negotiations that surround the creation of ad hoc tribunals, the Court will be more quickly available for investigations and justice will be achieved sooner.

International crimes tried in national courts can result in conflicting decisions and varying penalties. Moreover, sometimes governments take unilateral actions, even including kidnaping, to enforce prosecutorial and judicial decisions. The Court will help to avoid these problems.

The Court will act in accordance with fundamental standards of due process, allowing the accused to receive fairer trials than in many national courts.

In the past, when the international community established war crimes tribunals, the United States was at the forefront of those efforts. The performance of the U.S. delegation at Rome was no different. The U.S. ensured that the Court will serve our national interests by being a strong, effective institution and one that will not be prone to frivolous prosecutions.

Why then did the United States oppose the Treaty, despite getting almost everything it wanted in the negotiations? Many observers feel that it was because the Administration could not get iron-clad guarantees that no American servicemen and women would ever, under any circumstances, come before the Court. A related concern was that the Treaty empowers the Court to indict and prosecute the nationals of any country, even countries that are not party to the Treaty.

The legitimate concern about prosecutions of American soldiers by the Court, while not trivial, arises from a misunderstanding of the Court's role.

The U.S. has been successful in obtaining important safeguards to prevent political prosecutions:

First, the ICC is neither designed nor intended to supplant independent and effective judicial systems such as the U.S. courts. Under the principle of ''complementarity'', the Court can act only when national courts are either unwilling or unable to prosecute.

Second, the Court would only prosecute the most atrociousinternational crimes such as genocide and crimes against humanity. The U.S. was instrumental in defining the elements of these crimes and in establishing high thresholds to ensure that the Court would deal with only the most egregious offenses.

Third, the Court incorporates the rigorous criteria put forth by the United States for the selection of judges, ensuring that these jurists will be independent and among the most qualified in world. Further, the Rome Treaty provides for high standards for the selection of the prosecutor and deputy prosecutor, who can be removed by a vote of the majority of states parties.

Finally, the Court provides for several checks against spurious complaints, investigations, and prosecutions. Before an investigation can occur, the prosecution must get approval from a three-judge pre-trial chamber, which is then subject to appeal. Moreover, the U.N. Security Council can vote to suspend an investigation or prosecution for up to one year, on a renewable basis, giving the Security Council a collective veto over the Court.

Because of these safeguards, our democratic allies—Canada, England, France, Ireland—with thousands of troops deployed overseas in international peacekeeping and humanitarian missions, have signed the Treaty.

The Pentagon has, from day one, argued that the United States should not sign the Treaty unless we are guaranteed that no United States soldier will ever come before the Court. In other words ''we will sign the Treaty, as long as it does not apply to us.'' That is a totally untenable position, which not surprisingly has not received a shred of support from other governments, including our allies and friends.

There is no doubt that further negotiations can improve the ICC, but it is unrealistic to expect to single out one's own citizens for immunity, in every circumstance, from the jurisdiction of an international court. If that were possible, what would prevent other nations from demanding similar treatment? The Court's effectiveness would be undermined.

Moreover, as the United States—which has refused to sign the treaty banning landmines, or to ratify the comprehensive test ban treaty, or to pay our U.N. dues—is perceived as acting as if it is above the law, nations may begin to think ''why should we honor our international commitments?'' If the U.S. becomes increasingly isolated, our soldiers will face greater, not less, risk.

Such increasing risk is wholly unnecessary. Our Armed Forces are known globally for their strict adherence to international humanitarian law and conventions governing the conduct of a military in wartime. Signing the Rome Treaty would be the clearest indication possible that we are proud of this record, and are working every day to uphold it.

Mr. President, I too am troubled by the precedent of exerting jurisdiction over non-party nationals. While this is a key component of the Treaty which prevents rogue nations from shielding war criminals from the Court's jurisdiction by refusing to become a party, it could also invite mischief in the future. What if, for example, a dozen states were to join in a treaty that asserts jurisdiction over non-parties for the explicit purpose of targeting the citizens of the United States and its allies? Will the Rome Treaty set a precedent that could make this more likely?

In fact, there is nothing to prevent that from happening today, and it is highly unlikely that such treaties would achieve legitimacy. They would almost certainly not become recognized parts of international law and convention. While it is essential that we do everything possible to protect the rights of American citizens, we also want an effective Court. Indeed, there are almost certainly to be circumstances when we would support ICC jurisdiction over non-party nationals.

Critics argue that the United States should ''block'' the ICC. They are misinformed. That is not an option. The requisite 60 countries are going to ratify the Treaty, and the Court will have jurisdiction over citizens of non-parties, whether or not the U.S. signs.

The real issue is whether we sign the Treaty and enable the U.S. to continue to play a crucial role in shaping the ICC, ensuring that it serves its intended purpose of prosecuting the most heinous crimes—not the U.S. Air Force pilot who mistakenly bombs the wrong target, a tragic but inevitable consequence of war. It is instructive, for those who raise the specter of political prosecutions, that the Tribunal for the Former Yugoslavia—which, like the ICC, the U.S. had a key role in shaping—declined to investigate allegations of war crimes resulting from NATO bombing of Serbia. We will be in a far better position to protect the rights of American citizens if the Court must answer to the U.S. for its actions.

We can sign the Treaty and make clear that if the Court strays from its intended purpose, we will take what steps are needed, from refusing to ratify to withdrawing from the Treaty. I sincerely doubt, however, that will become necessary. A key part of the Court's ability to function is its legitimacy. As others have said, ''the politicization of the Court would quickly end its relevance.''

We all know that it is simply not possible to be part of an international regime and get absolutely everything one wants. Nay sayers can always invent implausible scenarios that pose some risk. The key question is: do the benefits of signing the Rome Treaty and throwing our weight and influence behind it, outweigh the risks? I believe the answer is clearly yes.

Mr. President, the Treaty provides an adequate balance of strength and discretion to warrant signature by the United States. On the one hand, the Court is strong enough to bring war criminals to justice and provide a deterrent against future atrocities. On the other, there are important checks in place to minimize the risks of sham prosecutions of American troops. Yet, without the active participation and support of the United States—the oldest and most powerful democracy on Earth committed to the rule of law—the Court will never realize its potential.

I agreed with President Clinton when he stated that, ''nations all around the world who value freedom and tolerance [should] establish a permanent international court to prosecute, with the support of the United Nations Security Council, serious violations of humanitarian law.''

Those words reminded me of the President's speech at the United Nations six years ago, when he called for an international treaty banning antipersonnel landmines. Two years later, when many of our allies and friends were negotiating such a treaty, the Administration, bowing to the Pentagon, chose to sit on the sidelines. They assumed, wrongly, that without U.S. support the process would run out of steam, and they even tried, at times, to undermine it.

Only in the final days, when the Administration finally realized the mine treaty was going to happen with or without the U.S., did they make several ''non-negotiable'' demands. Essentially, they said ''okay, we will sign the treaty, as long as it does not apply to our landmines.'' Predictably, that was rejected. Today, 138 nations have signed that treaty and 101 have ratified, including every NATO member except the United States and Turkey, and every Western Hemisphere nation except the United States and Cuba.

One would have thought we would have learned from that experience. The fact is that the United States can no longer singlehandedly determine whether an international treaty comes into force. If we do not sign the Rome Treaty, there is a strong possibility that the Court, its prosecutors and judges will develop from the beginning an unsympathetic view towards the United States and its official personnel. That is especially so if we end up opposing the Court and its legitimacy. Do we want a Court that views itself in opposition to the United States? Or do we want a Court whose prosecutors and judges are selected

with the influence of the United States, and a Court that must answer to the United States, as its most significant state party, for its actions? The answer should be obvious to anyone.

Mr. President, it is unacceptable that the world's oldest democracy—the nation whose Bill of Rights was a model for the Universal Declaration of Human Rights, the nation that called for the creation of a permanent, international criminal court and did so much to make it a reality, has shrunk from this opportunity. The President should sign the Rome Treaty.

TRIBUTE TO BOY SCOUTS AND GIRL SCOUTS

Mr. L. CHAFEE. Mr. President, it is with great pleasure that I today pay tribute to the accomplishments of the Girl Scouts and Boy Scouts of Rhode Island. These fine organizations include an admirable group of young men and women who have distinguished themselves as leaders in their communities.

Since the beginning of this century, the Girls Scouts and Boy Scouts of America have provided thousands of youngsters each year with the opportunity to make friends, explore new ideas, and develop leadership skills, along with a sense of determination, self-reliance, and teamwork.

These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love for community service. The Silver and Gold Awards represent the highest awards attainable by junior and high school Girl Scouts. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills.

I ask my colleagues to join me in congratulating the recipients of these awards. Their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, Scout leaders and countless others who have given generously of their time and energy in support of Scouting.

It is with great pride that I submit a list of the young men and women of Rhode Island who have earned this award.

Mr. President, I ask that the list be printed the RECORD.

The list follows:

GIRLS SCOUT SILVER AWARD RECIPIENTS

Barrington, RI: Sarah E. Oberg, Alison Orlando, Shannon Johnston, Sarah Tompkins.

Charlestown, RI: Hillary Gordon.

Chepachet, RI: Margaret Pepper, Rebecca Thurber, Jennifer Tucker.

Coventry, RI: Mandy L. Ponder.

Cranston, RI: Laura R. Gauvin, Tara Tomaselli, Lindsay Wood, Susan Papino, Sarah Watterson.

Exeter, RI: Karissa D'Ambra, Kim McCarthy, Meghan McDermott, Erin Klingensmith.

Foster, RI: Shannon R. Casey.

Glendale, RI: Emily Beauchemin.

Harrisville, RI: Kristin Bowser.

Hope, RI: Meaghan McKenna.

Hope Valley, RI: Jennifer Gregory, Nichole Piacenza.

Kingston, RI: Elizabeth Tarasevich.

Mapleville, RI: Tia Sylvestre, Jessica Wilcox.

Middletown, RI: Kellie Di Palma.

North Kingstown, RI: Kelly-Ann Brooks, Kellie Fitzpatrick, Brittany Kenyon, Elizabeth Mackler, Kelley Barr, Rachel Glidden.

Pascoag, RI: Erin Boucher, Sarah Gautreau, Heather Hopkins, Jennifer Robillard.

Pawtucket, RI: Stephanie Bobola, Emma Locke, Brittany Smith, Allison Arden, Feliscia Facenda, Melissa Perez, Jessica Theroux.

Portsmouth, RI: Rachel Andrews, Laura Cochran, Melissa Baker, Kathryn E. Powell, Sabrina A. Richard.

Wakefield, RI: Lauren Behie, Emily Franco, Kate Danna, Jessica Piemonte.

Warwick, RI: Stephanie Brock, Amanda Miller, Jessica Ogarek, Nicole Patrocelli, Michelle Poirier, Danielle Dufresne, Sarah Pennington.

West Warwick, RI: Kaylin Kurkoski, Alyssa Lavallee, Capria Palmer, Stephanie Danforth.

Woonsocket, RI: Kayla Berard, Erica Laliberte, Melissa Notorango.

Wyoming, RI: Chantal Gagnon.

GIRLS SCOUT GOLD AWARD RECIPIENTS

Cranston, RI: Bethany Lavigne, Sarah Lavigne.

East Greenwich, RI: Elissa Carter, Rosanna Longenbaker.

Harrisville, RI: Carissa Leal.

Middletown, RI: Merideth Bonvenuto.

North Providence, RI: Bonnie Bryden, Alison Kolc, Bethany Bader, Laura Di Tommaso.

Pawtucket, RI: Alyssa M. Nunes, Nicole D. Gendron.

Warwick, RI: Amanda Cadden, Jeniece Fairbairn, Sara Berman, Dawn Armitage, Kristen Giza, Kathryn Marseglia, Justine Evans, Carolyn Beagan.

West Warwick, RI: Jennifer L. Malaby.

West Kingston, RI: Audra L. Criscione.

Westerly, RI: Heather Norman, Karen McGarth.

EAGLE SCOUT RECIPIENTS

Ashaway, RI: Steven Derby, Paul Dumas.

Barrington, RI: Chris Browning, Vincent Crossley, Chris Dewhirst, Jr., David Drew, John Dunn, Jr., Daniel Fitzpatrick, Chris Gempp, Chris Josephson, Patrick Kiely, Brian Mullervy, Anthony Principe, Evan Read, Adam Resmini, Timothy Ryan, Robert Speaker.

Blackstone, RI: Daniel Aleksandrowicz.

Bradford, RI: William Briggs, Jr., Thomas Foley.

Bristol, RI: Chris Cameron, Jason DeRobbio, Thomas DuBios, Matthew Frates, John Maisano IV, Timothy Pray.

Charlestown, RI: Christopher Hyer, Jonathan Lyons, David Piermattei, Jr., Thomas Schipritt.

Chepachet, RI: Eric Ahnrud, Donald Gorrie, Jr., Benjamin King.

Clayville, RI: Geoffrey Lemieux.

Coventry, RI: John Ahern, Nicholas Brown, Michael Camera, James MacDonald.

Cranston, RI: Anthony BaccariThomas Darrow, Erik Fearing, Peter Gogol, Gregory Johnson, Daniel Kittredge, Donald McNally, Gregory Norigian, Matthew Papino, Michael Parent, Ernest Rheaume, Mark Scott II, Marc Sherman, Jonathan Tipton.

Cumberland, RI: Michael DiMeo, Michael Dubois, Timothy Fabrizio, Gregory Hindle, Thomas Parrillo, James Twohey, John Valentine, John Wigmall, Christopher Young.

East Greenwich, RI: Matthew Kazlauskas, Thomas Carbone, Jr., Stuart Fields, Steven Fulks.

Exeter, RI: Warren Halstead III.

Foster, RI: Paul Copp, Robert Schultz, Jr.

Fiskeville, RI: Jonathan Burns.

Glocester, RI: Thomas Cavaliere.

Greene, RI: Steven Autieri, Ryan Hall.

Greenville, RI: Thomas Bowater, Benjamin Folsom, Jason Marrineau, Joseph Stockley.

Harrisville, RI: Davis Jackson, Matthew Kucharski.

Hope Valley, RI: Eben Conopask, John Duell, Nicholas Haberek, Lucas Marland.

Jamestown, RI: Thomas Kelly, Joshua Shea.

Johnston, RI: Jason Cantwell, Geoffrey Garzone, Christopher Lowrey, Anthony Pezza, Michael Wilusz.

Kingston, RI: Robert Dettman, Travis Morello.

Lincoln, RI: Bradford Avenia, Daniel Maynard, Jonathan Toft.

Manville, RI: Peter Rernaud.

Middletown, RI: John Greeley, Andrew Gustafson, Jay Parker, Jr., Alexander Schwarzenberg, Matthew Sullivan, David Tungett.

Newport, RI: Jason Kowrach, James Ross.

North Kingstown, RI: Christopher Nannig, David Piehler, Jason Simeone.

North Providence, RI: Adam Andolfo, Michael Chatwin, Jr., Matthew Konicki.

North Scituate, RI: Alan Campbell, Corey Charest, Jared Leduc, Jason Otto, Stephen Vigliotti.

North Smithfield, RI: Keith Gilmore.

Pawtucket, RI: Brian Gendreau, Peter Blair, Nicholas Cetola, Eric Frati, Christopher Gojcz, Benjamin Sweigart, Alejandro Tobon.

Portsmouth, RI: Mark Dragicevich, James Magrath, Paul Myslinski, Richard Quintal, John Silvia III, Adam Tucker.

Providence, RI: Ashley Oneal, Matthew Dorfman, Jonathan Goulet, Matthew Lynch, John Riley, Matthew Salisbury, Andrew Sawtelle, Stephen Winiarski.

Riverside, RI: Andrew Hurd, William Lange Phillip Olson, Chris Paiva.

Rumford, RI: Jesse Crichton, Chris Jamison.

Smithfield, RI: Charles Ashworth, Brian Twohey, Gerard Lariviere II.

Wakefield, RI: Paul Ayers IV, Joshua Honeyman, Joshua Lamothe, Joshua Rosen, Wyatt Messinger.

Warren, RI: Jonathan Faris, William Kemp IV.

Warwick, RI: Christopher Baker, Richard Agajanian III, Kenneth Arpin, Trevor Byrne-Smith, James Carolan III, Robert Chace III, Jason Christensen, Michael Dean, Timothy Goodwin, Michael Havican, Eric Hayes, Gregory Hughes, Aaron Hughes, Peter Izzi, Thomas Kelley, Daniel Linden, Jeffrey Machado, Robert MacNaught, John Mendonsa.

Westerly, RI: Jonathan Martin, Seth Merkel.

West Greenwich, RI: Jeffrey Bowen.

West Kingston, RI: Joshua McCaughey.

West Warwick, RI: Eric Calcagni, Craig Flanagan, Daniel Flynn, Warrick Monnahan, Chuck Moore.

Wood River Junction, RI: Timothy Brusseau, Scott Morey.

Woonsocket, RI: Michael Minot Matthew Piette, Matthew Soucy, Gary Turner.

Wyoming, RI: Stetson Lee.

PERMANENT RESIDENCY FOR LIBERIANS

Mr. REED. Mr. President, I rise tonight to express my deep disappointment that this final package does not include a provision that allows Liberian nationals living in this country to adjust to permanent residency.

As I have told this body many times, approximately 10,000 Liberians fled to the United States beginning in 1989 when their country became engulfed in a civil war. In 1991, Attorney General Barr granted Liberians Temporary Protected Status (TPS) and renewed it in 1992. Under the Clinton administration, Attorney General Reno continued to renew TPS for Liberians on an annual basis until last year when she granted Deferred Enforced Departure. DED was renewed again this year.

While Liberians can now legally live in the United States for another year, it does not change the fact that they have lived in limbo for almost a decade. The Liberians have lived in a ''protected status'' longer than any other group in the history of this country. These individuals have played by the rules. From the beginning, they have always lived in this country legally. They have established careers, opened businesses, bought homes, had American-born children, and contributed to our communities. Yet, they are unable to enjoy the basic rights and privileges of U.S. citizenship. These people deserve better.

For several years I have been working to see that the Liberians receive the justice they deserve. In March 1999, I introduced S. 656, the Liberian Refugee Immigration Fairness Act which would allow Liberian nationals who had received TPS to adjust to permanent residency. For almost two years I have been unable to convince my colleagues to hold a hearing, debate this issue on the floor, or pass the bill. I did everything I believed was necessary to garner support for this legislation. I spoke on the floor, I wrote ''Dear Colleagues'', I gathered cosponsors on both sides of the aisle, I spoke personally with the leadership of both parties and the White House. Despite these efforts, the plight of the Liberians has not been recognized and their status has not been resolved.

The situation facing the Liberians is not a novel issue for Congress. In the time that the Liberians have lived in this country, several other immigrant groups, including 52,000 Chinese, 4,996 Poles, 200,000 El Salvadorans, 50,000 Guatemalans and 150,000 Nicaraguans, who lived in the U.S. under temporary protective status for far less time have been allowed to adjust to permanent status. Just last month we passed a bill adjusting the status of 4,000 Syrian Jews. There are those who have argued that it is time to stop passing ''nation specific'' immigration fixes and to implement a system that is comprehensive and fair. I fully agree. But until we reach that point and are ready to pass such legislation, I do not believe that we can, in good conscious, arbitrarily deny certain groups a remedy for the unintended and unjust consequences of our immigration law.

I would also like to state that I believe that we have a special obligation to the Liberians because of the special ties the U.S. has with that country. Congress should honor the special relationship that has always existed between the United States and Liberia. In 1822, groups of freed slaves from the U.S. began to settle on the coast of Western Africa with the assistance of private American philanthropic organizations at the behest of the U.S. government. In 1847, these settlers established the republic of Liberia, the first independent country in Africa. Liberians modeled their constitution after the U.S. and named their capital Monrovia after President James Monroe. Mr. President, many of the Liberian nationals in this country can trace their ancestry to American slaves. We owe them more than we are giving them tonight.

When Liberians arrived in this country, they expected to stay only a short time and to return home once it was safe. But one year turned into many and they moved on with their lives. They are now part of our community. They deserve the same benefits that we have given so many others—the rights of citizenship. It is my hope that we can address this grievous situation early in the 107th Congress. We need to right a wrong.

RONALD MCDONALD HOUSE CHARITIES' NEW CHILD HEALTH PROGRAM

Mrs. HUTCHISON. Mr. President, I rise to recognize the Houston arrival of a Ronald McDonald Care Mobile—a state-of-the-art pediatric mobile healthcare unit. It is one of the first in an innovative initiative of the Ronald McDonald House Charities, known and respected worldwide for its dedication to improving children's health.

In cooperation with its local affiliates and local hospitals or health systems, RMHC has begun rolling out these Ronald McDonald Care Mobiles to bring free medical and dental services to children in underserved communities. The Houston Ronald McDonald Care Mobile will be operated and staffed by the Harris County Hospital District. It will travel, on a regular schedule, to schools, churches, apartment complexes and other neighborhood sites where need is great. This RMHC partnership will significantly strengthen the District's capacity to serve the county's disadvantaged children and their families.

The Ronald McDonald Care Mobiles are a far cry from the usual converted vans and school buses. They are specially-designed pediatricians' offices on wheels, with two patient examination rooms, a laboratory, reception and medical records areas and, in some cases, a hearing screening booth and dental hygiene room. The units are also staffed to deliver first-rate care. Staffing will vary according to local needs but is likely to include a pediatrician, a pediatric nurse, and a manager. There may also be a social worker, a dental hygienist, an asthma specialist and/or medical residents, nursing students, and interns in training.

The Ronald McDonald Care Mobiles will go directly into underserved communities. They will provide primary care, including immunizations and medical screenings; diagnosis, treatment, referral, and followup for serious medical and dental conditions; and health education for children and their families. Staff will also help eligible families obtain government-assisted health insurance and will partner with communities to address critical local childhood health needs.

Our children are our nation's most precious resource. We are all beholden to the Ronald McDonald House Charities for bringing vital health care to the underserved so that they may learn and play and grow up strong. This truly is giving back to the community at its finest.

PROTECTING THE RIGHTS OF IMMIGRANT WORKERS

Mr. KENNEDY. Mr. President, fourteen years ago, Congress passed the Immigration Reform and Control Act of 1986, IRCA. That Act has had undeniably profound effects on the nation—both positive and negative. IRCA set into motion the current legalization program, which has brought millions of individuals out of the shadows of illegal immigrant status and onto a path of temporary status, permanent status and, ultimately, United States citizenship. At the same time, IRCA authorized employer sanctions which, in addition to not deterring illegal immigration, have led to a false document industry and caused discrimination against Latino, Asian, other immigrant workers, and even United States citizens, who by their accent or appearance are wrongly perceived as being here illegally.

Many of us supported the provision in IRCA which created an office to address cases of discrimination resulting from employer sanctions. Since then, the Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices, OSC, has enforced the anti-discrimination provisions and provided relief to workers who have faced immigration-related job discrimination.

One of the innovative accomplishments of OSC has been to develop effective partnerships with state and local government civil rights agencies. A Memoranda of Understanding enables the civil rights agencies who are supposed to work together to do just that. As a result, all agencies are better equipped to prevent and eradicate discrimination.

Recently, the Massachusetts Commission Against Discrimination joined

with the OSC to educate employers, workers and the general public in the state and to work together to address discrimination. The Boston Globe praised the work of the Office of Special Counsel and urged increases in its staff and budget in order for it to keep up with the growing number of newcomers and employers. In the words of the editorial, ''This would help immigrants and the economy—a winning move for the United States.''

I ask unanimous consent for the Boston Globe editorial, ''Protecting Immigrants,'' to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Sunday Globe, Oct. 19, 2000]

PROTECTING IMMIGRANTS

Working immigrants are like high-octane fuel for the economy. Given the nation's shortage of workers, hiring immigrants is a great way to fill jobs, whether in high-tech or in restaurants.

But immigrants can face serious job discrimination. Some don't know their rights. Others are afraid to complain. That's why federal and state governments must improve enforcement of fair work practices.

One tool is in place, but it needs to grow.

In 1986, eager to crack down on illegal immigration, Congress passed the Immigration Reform and Control Act. The law threatened employers with fines unless they verified that new hires were legally eligible to work.

Congress knew that turning employers into immigration cops could lead to more discrimination. So the act also created the Office of Special Counsel for Immigration Related Unfair Employment Practices.

Today, the Office for the Special Counsel fights discrimination based on national origin and citizenship status. It cracks down on ''document discimination''—asking for more proof of work status than is legally required—and on rarer cases of employer retaliation. The office also mediates disputes and trains employers and human service providers.

This work goes on in states with large immigrant populations, like New York and California, but also in Arkansas, Oregon, and Nebraska, where immigrant populations are growing. In the last two years, the office has reached settlements with SmithKline Beecham, the pharmaceutical company, the Atlanta Journal Constitution newspaper, and Iowa Beef Packers, a meat packing and processing company in South Dakota.

Last year, the special counsel's office awarded $45,000 to the Massachusetts Immigrant and Refugee Advocacy Coalition, a grant used statewide to education immigrants, train community agency staff, and hold forums. The office recently formed a valuable alliance with the Massachusetts Commission Against Discrimination. Since the office has no local branches, it is building a nationwide web of local contacts whom immigrants can turn to for federal help.

Unfortunately as national immigration rates soar, the Office for the Special Counsel is having trouble keeping up. Its activities are limited by a small staff and a budget of just under $6 million. Doubling the budget would spread the office's reach more evenly across the country. It could take more preventative measures, helping employers before laws are violated, instead of punishing them once the harm is done.

This would help immigrants and the economy—a winning move for the United States.

FEDERAL JUDGESHIP

Mr. KOHL. Mr. President, today this Congress has expanded accessibility to justice for hundreds of thousands of residents of northern Wisconsin by creating a Federal judgeship to sit in Green Bay, WI. Let me explain how this judgeship will alleviate the stress that the current system places on business, law enforcement agents, witnesses, victims and individual litigants in northeastern Wisconsin.

First, while the four full-time district court judges for the Eastern District of Wisconsin currently preside in Milwaukee, for most litigants and witnesses in northeastern Wisconsin. Milwaukee is well over 100 miles away. In fact, as the courts are currently arranged, the northern portion of the Eastern District is more remote from a Federal court than any other major population center, commercial or industrial, in the United States. Thus, litigants and witnesses must incur substantial costs in traveling from northern Wisconsin to Milwaukee—costs in terms of time, money, resources, and effort. Indeed, driving from Green Bay to Milwaukee takes nearly two hours each way. Add inclement weather or a departure point north of Green Bay—such as Oconto or Marinette—and often the driving time alone actually exceeds the amount of time witnesses spend testifying.

Second, Wisconsin's Federal judges serve a disproportionately large population. I commissioned a study by the General Accounting Office which revealed that Wisconsin Federal judges serve the largest population among all Federal judges. Each sitting Federal judge in Wisconsin serves an average population of 859,966, while the remaining Federal judges across the country—more than 650—serve less than half that number, with an average of 417,000 per judge. For example, while Louisiana has fewer residents than Wisconsin, it has 22 Federal judges, nearly four times as many as our State.

Third, the Federal Government is required to prosecute all felonies committed by Native Americans that occur on the Menominee Reservation. The Reservation's distance from the Federal prosecutors and courts—more than 150 miles—makes these prosecutions problematic, and because the Justice Department compensates attorneys, investigators and sometimes witnesses for travel expenses, the existing system costs all of us. Without an additional judge in Green Bay, the administration of justice, as well as the public's pocketbook, will suffer enormously.

Fourth, many manufacturing and retail companies are located in northeastern Wisconsin. These companies often require a Federal court to litigate complex price-fixing, contract, and liability disputes with out-of-State businesses. But the sad truth is that many of these legitimate cases are never even filed—precisely because the northern part of the State lacks a Federal court. This hurts businesses not only in Wisconsin, but across the Nation.

In conclusion, having a Federal judge in Green Bay will reduce costs and inconvenience while increasing judicial efficiency. But most important, it will help ensure that justice is more available and more affordable to the people of northeastern Wisconsin.

ILO CONVENTION 182 RATIFICATION

Mr. HARKIN. Mr. President, I rise today to commemorate the first anniversary of U.S. ratification of the ILO's newest core human rights convention: ILO Convention #182—the Elimination of the Worst Forms of Child Labor.

Last Friday was not just the first anniversary of ILO Convention #182. It was also the date on which Convention #182 came into effect in the United States. That means the first report on U.S. compliance with the terms of this treaty is due in Geneva by next September.

I have long been deeply involved in the struggle to end abusive child labor. Ten years ago, the scourge of abusive child labor was spreading in the U.S. and throughout the world with little notice or concern from our government.

That is why I supported the first-ever, day-long Capitol Hill forum on the Commercial Exploitation of Children. I had two primary goals in mind back then.

First, I wanted to sound an alarm about the increase in abusive child labor in the U.S. and overseas. Second, I wanted to elevate this human rights and worker rights challenge to a global priority.

I am heartened to report that significant progress has been made in the past decade, even though much remains to be done.

In June of 1999, ILO Convention #182 was adopted unanimously—the first time ever that an ILO convention was approved without one dissenting vote. Just one year ago, the Senate, in record time, ratified ILO Convention #182 with a bipartisan, 96–0 vote.

And today, 41 countries have ratified ILO Convention #182—countries from every region of the world. 12 African nations, 12 European nations, 10 American Caribbean nations, 5 from the Middle East, and 2 from Asia. Since the ILO was established in 1919, never has one of its treaties been ratified so quickly by so many national governments.

In May of 2000, we enacted the Trade and Development Act of 2000. This Act included a provision I authored that requires more than 100 nations that enjoy duty-free access to the American marketplace to implement their legal commitments to eliminate the worst forms of child labor in order to keep these trade privileges.

Since May, the State Department has demanded thorough review of the efforts of over 130 nations to eliminate

the worst forms of child labor. The U.S. Labor Department is planning to file its first comprehensive report to Congress on whether countries that enjoy preferential access to our markets are fulfilling their obligations de facto until ILO Convention #182. And they've dispatched fact-finding teams around the world to investigate.

Their findings will be submitted to an inter-agency review process chaired by the Office of the U.S. Trade Representative. Later this year, this process will decide which beneficiary countries should retain their trade privileges and which should not.

Last year, this Congress approved a $30 million U.S. contribution to the ILO's International Program to Eliminate Child Labor (IPEC) for Fiscal Year 2000.

This made our country the single largest contributor to IPEC. And—if and when we finally approve our LHHS Appropriations Bill—our contribution will increase to $45 million in Fiscal Year 2001. This is yet another reason for us to wrap up that legislation before we adjourn.

That's the good news, Mr. President. But we've got a long way to go in our battle to eliminate abusive child labor and open up a bright future for more than 250 million child laborers around the world.

Our first, and perhaps most important step, is to heed ILO Convention #182 in our own country. We have to develop a national action plan to eliminate the worst forms of child labor in our midst—labor which ''by its nature or the circumstances in which it is carried out is likely to harm the health, safety or morals of children.''

Mr. President, who among us can deny that there are children working under such circumstances in our own country?

In order to be a credible leader in the world struggle against abusive child labor, we've got to do more to eliminate the worst forms of child labor right here in America.

Fortunately, the Child Labor Coalition has recently convened meetings of non-governmental organizations to begin fashioning recommendations for the U.S. national action plan required by ILO Convention #182.

Hopefully, President Clinton will be moved to act on some of these recommendations when they are presented to White House officials today. He has already distinguished himself as a President who has done more than all of his predecessors combined to fight abusive child labor.

I conclude my remarks by describing one glaring example of abusive child labor in our own backyard that cries out for immediate legislative redress.

Right now, as many as 800,000 migrant child laborers toil in the fields of large-scale commercial agriculture picking the produce we eat every day. They are working at younger ages, for longer hours, exposed to more hazardous conditions than minors working in non-agricultural jobs.

Their plight has prompted me to introduce the Children's Act for Responsible Employment (S. 3100—The CARE Act) which I will push hard to enact next year.

This legislation will end our current double standard in employment. It will extend to minors working in large-scale commercial agriculture—corporate farms, if you will—the same rights and legal protections as those working in non-agricultural jobs. It will also: Toughen civil and criminal penalties for willful child labor violators; protect children under 16 from working in peddling or door-to-door sales; strengthen the authority of the U.S. Secretary of Labor to deal with ''hot goods'' made by children and shipped in interstate commerce; improve coordination and reporting among federal, state, and local governments on injuries and deaths of minors on the job; improve collaboration between the U.S. Labor and Agriculture Departments to enforce federal child labor laws; and preserve exemptions for minors working on family farms as well as those selling door-to-door as volunteers for non-profit organizations like the Girl Scouts of America.

So today, we should all celebrate that day one year ago when we took the high road and ratified ILO Convention #182. But we cannot rest on our laurels. In the next Congress, we've got to re-dedicate ourselves to restoring the childhoods of millions of child laborers and lifting them up from the cruel hand that they and their impoverished families have been dealt.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. ALLARD. Mr. President, on December 7, 2000, the Senate approved H.R. 5640, the American Homeownership and Economic Opportunity Act of 2000. I earlier introduced S. 3274, the Senate companion to this legislation. Title IV of H.R. 5640 included several technical corrections to the Homeowners Protection Act of 1998. These technical corrections have no specific effective date attached to them. In my view, it is the expectation of Congress that lenders impacted by those technical corrections should have a reasonable period of time to make systems changes and conform administrative processes to the new law. This flexibility is important because the Homeowners Protection Act of 1998 does not authorize a Federal agency to provide implementing regulations.

ADDITIONAL STATEMENTS

REMEMBERING ALAN EMORY

● Mr. MOYNIHAN. Mr. President, Alan Emory, who for nearly half a century covered Washington for the Watertown Daily Times, passed away on November 27. Known for years as ''the Dean'' of the New York press corps, he was an indefatigable and prolific writer who often penned up to six stories a day in addition to a twice-weekly column. Even after retiring as bureau chief in 1998, he pursued stories with the same integrity and determination that first brought him to Washington in 1951. This past July, he broke the news that the Health Care Financing Administration intended to cut Medicare reimbursement for outpatient cancer care. Shortly thereafter, in a great part because of Alan's reporting, the plan was abandoned.

He was a dear friend, and he will be missed. I ask that the obituary from the Associated Press be printed in the RECORD.

The material follows:

ALAN EMORY, LONGTIME WASHINGTON CORRESPONDENT FOR WATERTOWN TIMES, DIES

Washington—Alan Emory, Washington correspondent for the Watertown (N.Y.) Daily Times for 49 years, died Monday after a battle with pancreatic cancer.

He was 78.

Emory covered 10 presidential administrations—from Harry Truman to Bill Clinton—during his tenure in Washington. He began his career with the Times in 1947 in Watertown and also worked in the paper's Albany, N.Y., bureau before coming to Washington in 1951.

He specialized in Canadian border issues, founding a group of reporters from northern states that met regularly with Canadian officials. He also covered more than 1,500 White House press conferences, traveling to Russia, China, Canada and South America.

A former president of Washington's famed Gridiron Club, Emory penned many of the songs and skits that were performed in the club's annual spoof of the Washington political scene.

In 1956, he was elected to the Standing Committee of Correspondents of Congressional Press Galleries. He was elected to the Hall of Fame of the Washington chapter of the Society of Professional Journalists in 1979.

Emory graduated from Harvard University and received a master's degree from Columbia University's School of Journalism. He spent almost three years in the U.S. Army.

Emory was diagnosed with pancreatic cancer early in 2000. He continued with his political writing, sometimes also writing about his struggles with the health care system.

Sen. Charles Schumer, D–N.Y., called Emory ''a giant.''

''He practiced journalism the way it should be practiced with integrity and honesty,'' Schumer said Monday. ''Whether you liked the story he was writing or not, you always knew it was going to be fair and honest.''

Emory died at his home in Falls Church, VA.

He is survived by his wife, Nancy Carol Goodman.●

PASSING OF JAMES RUSSELL WIGGINS

● Ms. SNOWE. Mr. President, I rise today to pay tribute to a beloved adopted son of Maine, James Russell Wiggins, whose life brought tremendous pride to our State, credit to the profession of journalism, and joy to all those fortunate to have known him.

For all of us, a great many people pass through our lives. Few clearly and

completely present us with the qualities to which we instinctively know we should aspire. Few truly define and embody the standards to which all of us should hold ourselves, and it is a blessing when we find them.

James Russell Wiggins was instantly recognizable as such a person, and I was blessed to have found him nearly 23 years ago. While his heart has ceased to beat after nearly 97 extraordinary years, his spirit continues to enkindle the hearts of all those whose lives he touched with his warmth, his enthusiasm, and his generosity.

Russ Wiggins cast his light most broadly and brightly through the medium of the printed word, and perhaps most prominently in his 20-year career with The Washington Post. Difficult as it may be to believe today, there was a time when the Post was not widely held in high regard, even in its own hometown. That the Post is internationally recognized today is a testament to the vision of a man for whom the public's right to the best possible information was paramount and integral to the health of our democracy.

Eventually reaching the position of editor, Russ Wiggins' stamp remains on every new edition of the Post. As Stephen Rosenfield, former editorial page editor of The Washington Post, wrote after Russ Wiggins' passing, he ''brought to the Washington Post a passion for newspapering and an unrelenting dedication to the public good . . . (he) set for his staff an unmatched standard of personal decency and integrity.''

Just a few weeks shy of his 65th birthday, and his planned retirement from the Post, Russ Wiggins was tapped by President Johnson to serve as U.S. Ambassador to the United Nations. What would normally be a fitting and distinguished finale to a long and productive working life would become only a prelude to his passion for the years that remained—a weekly newspaper called The Ellsworth American in Ellsworth, Maine.

Russ moved to the state in 1969, and became publisher and editor of The Ellsworth American shortly thereafter, building it into one of the most respected weekly newspapers in Maine and the Nation, and a great treasure for both the community and our state. As if that were not enough for a man ''in retirement'', he also became an active and integral member of his new community of Brooklin, lending his boundless energy and enthusiasm to a variety of civic causes.

I first met Russ Wiggins during my first campaign for Congress in 1977 at an editorial board meeting at the paper. He put me immediately at ease with his remarkable personality and wit, and I was immensely impressed with his extraordinary depth of knowledge.

As I would come to discover, Russ Wiggins had an appetite for learning for which the term ''voracious'' may well be an inadequate description. He loved ideas, and loved testing his ideas against the opinion of others. He exemplified the concept of disagreeing without being disagreeable—he was the definition of a gentleman, and a practitioner of the kind of civility that all-too-often seems an old fashioned notion these days but, in reality, is needed now more than ever.

His excitement over knowledge was infectious, never pretentious. If he was energized by a book he had just read, he would implore others to do likewise. He challenged people not only to assess their own beliefs, but to risk undermining those beliefs with the addition of new facts, new arguments, and new ways of seeing the world. In short, he enriched the minds and souls of all those who knew him, and encouraged everyone he met to rise to their potential.

On that day when I first met Russ, an Ellsworth American photographer chronicled our discussion, particularly my reaction to Russ' comments. The images from that meeting later formed the basis of my first campaign poster—which hangs today in my Washington office and serves as a reminder of the time I spent with him and the example he set for the rest of us. And what a tremendous example that was.

Russell never strayed from his beliefs and integrity, as demonstrated by the high regard with which he was held among his contemporaries. And with his unparalleled skill, he captured the essence of the people he called his neighbors.

During his time with the Ellsworth American, he was able to bring out not just the news of Ellsworth and Hancock County, but also to convey the sensibilities and nature of a special region. Perhaps it is the fact that Russ saw and experienced so much of the world, that he continually showed that the rural coastal setting of Downeast Maine is anything but circumstanced. Whatever the reason, those of us in Maine are especially fortunate that he let us see the dynamic world through his eyes.

Throughout it all, James Russell Wiggins was comfortable in any company, not because he changed his stripes to suit the occasion, but because the essence of the man was always his generosity of spirit—and it was apparent for all to see. He shared what he knew not to elevate his own standing, but rather to elevate the standing of others. He voiced his opinions not to hear himself talk, but rather to advance the level of debate. He searched for the truth not in service to his own ends, but rather in service to humankind.

With his life having touched so many so deeply, it is no surprise that his death has done the same. Columns were written by those with whom he had worked. Katherine Graham, chair of the executive committee of The Washington Post, wrote a special piece eulogizing Russ and thanking him for his service. And letters to the editor expressed the sense of loss we all have felt in the wake of this giant's passing.

So it is with a heavy but grateful heart that I pay whatever humble tribute I might to this great man whom I was privileged to know. How fortunate we are that he lived—and how deeply we will miss him in our lives. I ask that a number of articles that have appeared in the newspapers regarding Russ Wiggins be printed in the RECORD.

The articles follow.

[From the Washington Post, Nov. 20, 2000]

THE EVOCATION OF EXCELLENCE

(By Katherine Graham)

Russ Wiggins, good steward, farseeing guide of The Post for 21 years.

Russ Wiggins's death yesterday leaves a large hole, so great was his embracing personality and a life lived vigorously until five months ago, when his brave heart started to weaken and then gave out.

I feel grateful to Russ because he quite literally created The Post we know today. The Pentagon Papers and Watergate received so much attention that most people don't realize what Russ accomplished.

When my father purchased The Post in 1933, it was the fifth newspaper in a five-newspaper town. He set out to improve The Post and make it viable because he believed Washington deserved a top-quality morning newspaper. However, it was difficult to get people to come to work for a paper most people assumed would fail. My father had found a good, old-fashioned, blood-and-guts editor, who began to make some progress. But clearly more was needed.

When my husband, Phil Graham, became publisher after the war, he and my father tried to find a serious editor and leader for the future. They heard of Russ Wiggins, who had been editor of the paper in St. Paul, Minn., where he'd made quite an impression. When some people accused its owner-publisher of being dependent on Russ, the man had walked into the newsroom and summarily fired Russ.

My father and Phil asked Russ to come to The Post, but he elected instead to go to the New York Times as assistant to the publisher. A year later they went back and persuaded Russ to change his mind. He arrived in 1947 and stayed for 21 years.

Russ immediately made several changes that had a significant impact on the quality and integrity of the paper. First, he eliminated taking favors—free tickets for sports reporters, free admissions to theaters for critics and parking tickets fixed by police reporters for people all over the building. This sounds elementary, but in those days it was done everywhere.

One of Russ's most heroic accomplishments was to lead the way in civil rights. He stopped the use of irrelevant racial descriptions. He printed the first picture of an African American bride. He started hiring minority reporters. This took courage in those days.

Despite the paper's precarious financial situation, Russ and Phil together began to assemble a fine staff—attracted by Russ's won professional standards and hard work. He set the example. He worked seven days a week, if necessary, and rarely took vacations.

Over the years, Russ stood up to many threats to the paper, and he and Phil overcame many obstacles. Not the least was my mother, whose correct but inflammatory political passions encouraged charges of red-baiting. As we grew more successful, Russ built up a national and foreign staff.

His ambition for the paper, Russ told me, ''was unachievable. But how do you lift an

institution except with unachievable ideals? If your ideals are so low you can achieve them, you ought to adjust them,'' he said.

When my husband became mentally ill with manic depression, Russ had to withstand Phil's destructive impulses. When Phil died, Russ held the staff together and encouraged my coming to work. Then he had to teach me how to understand editorial and news policy, which didn't happen overnight. Russ was very patient.

One of the first major issues we confronted was the Vietnam war. Russ was a thoughtful and sensitive hawk; he believed the country's reputation was at stake if we abandoned our allies. At one point, President Johnson said one of Russ's editorials was worth two divisions. Russ was never personally hostile about issues. This enabled us to get though this difficult period.

At all times, Russ was a voracious and learned reader. He often would thrust books at all of us, tell us we had to read them, and check in a day or two to see if we had finished. Just a few years ago, Russ informed me in a letter that he had just completed Soviet Ambassador Anatoly Dobrynin's autobiography, was up to Volume 4 of Edward Gibbon's ''Decline and Fall of the Roman Empire'' and also had read the 35,000-word Unabomber manifesto. It was repetitious, Russ commented.

Russ set a deadline for himself to retire at 65. A few months before, President Johnson nominated him as ambassador to the United Nations. Russ insisted on leaving without much ceremony.

Then Russ did the most admirable thing of all: He went to Ellsworth, Maine, where he had vacationed, bought the paper there and built it up into one of the most distinguished small papers in the country. He wrote a poem for it every week. And he never lost his creative editorial spirit. To point out the deficiencies of the post office, for instance, he mailed a letter to Ellsworth from a neighboring town and had two oxen pull a cart that beat the letter.

Even after he'd left The Post, Russ remained one of our most interested readers and staunchest supporters. Shortly after the Janet Cooke story erupted, Russ came to a meeting of the American Society of Newspaper Editors, where we were being drubbed right and left. With his usual wry humor, Russ said, ''I feel great about the state of the American press. Every editor I saw assured me this couldn't have happened at his paper.''

Russ lived his entire life according to the highest intellectual and moral standards, with great humor and compassion for others, and with panache. He was thoughtful—I would even say brilliant. The words he evokes are ''excellence'' and ''integrity.'' He had fun and he gave it to others. He was a teacher and a friend to the very end.

[From the Washington Post, Nov. 20, 2000]

JAMES RUSSELL WIGGINS

Almost the minute he took over as managing editor of this newspaper in 1947, James Russell Wiggins jolted the city room staff with his passion for rectitude and integrity. No more freebies, he decreed, not even movie passes for copy aides. No more fixing of tickets at police headquarters. These were not the crotchety preachings of a fuddy-duddy; Russ Wiggins, who died yesterday at the age of 96, was a vigorous and engaged editor who cared deeply about ethical standards, old-fashioned honesty and the importance of a free and independent press. During his 21-year stewardship here, his enthusiasm for the competitive pursuit of information was girded by an insistence on fairness.

Today the news and editorial departments at The Post are independently managed. In Mr. Wiggins' day, though, both fell under his exacting command; he took care to maintain a sharp delineation. ''The ideal newspaperman,'' he told the staff, ''is a man who never forgets that he is a reporter . . . not a mover and shaker. . . . Nothing could be more alarming or dismaying to me . . . than to encounter repeatedly the suggestion that the reader knows from the news columns what the views of the newspaper are.'' The reporter ought to have the commitment ''of the honest witness, the fair narrator,'' he said.

A largely self-educated, extraordinarily well-read man who never went to college, Mr. Wiggins kept reporters and editorial writers alike on their toes—quizzing them on findings, recommending books and suggesting further questions or research. Cartoonist Herblock remembers showing sketches to Mr. Wiggins, who might argue about the views and then say, ''God knows, I tried to reason with you''—and let them go.

Mr. Wiggins' own editorial views, often churned out in bunches on a given day, were no fence-sitters. He railed against the evils of gambling, the dangers of a large national debt, restrictions on the press and the slowness of mail service.

Mr. Wiggins left the Post more than three decades ago. But that's not to say he retired. As publisher of the Ellsworth American in Maine, Mr. Wiggins worked and wrote and read on; and he kept up correspondence with this newspaper, exchanging ideas, complimenting an occasional piece and reprimanding us for certain stands taken.

We paid attention, too. To the end, Russ Wiggins was extraordinarily important to this newspaper.●

TRIBUTE TO MICHAEL H. DETTMER

● Mr. LEVIN. Mr. President, I wish to pay tribute to a fine public servant, Michael H. Dettmer, on his retirement.

Since January of 1994, Mike has served diligently as the United States Attorney for the Western District of Michigan. During his seven-year tenure, his office obtained more than 2700 convictions and helped lead numerous crime fighting initiatives in the District involving Federal law enforcement's support, leadership and participation.

Among his impressive accomplishments are the task forces and partnerships he helped create and foster to combat drugs and violent crime. A few of those specialized partnerships are the Methcathinone Task Force, the Benton Harbor Violent Crime Task Force, the Health Care Fraud Task Force, the Western Michigan Environmental Task Force and Project Exile.

Mike is also to be credited for reinvigorating the Law Enforcement Coordinating Committee/Victim-Witness unit of the U.S. Attorney's Office. Since 1994, this unit has adopted an elementary school in the Grand Rapids public school system, participated in the D.A.R.E (Drug Abuse Resistance Education) and D.E.F.Y (Drug Education For Youth) programs, and sponsored more than 80 training programs covering all aspects of law enforcement. In addition, under Mike's leadership, four additional sites to the Weed and Seed Program have been created, making the Western District of Michigan's program one of the largest initiatives among any Federal District in the United States.

In recognition of his efforts, in 1998, Mike was honored by the Department of Justice Programs Director and Assistant Attorney General Laurie Robinson for his work in the area of crime prevention and reduction. In addition, in the year 2000, Mike was honored by the national Executive Office of Weed and Seed with it's ''Creating Healthy Communities'' Award and by the City of Benton Harbor with the presentation of its ''Key to the City'' Award.

Of course, his many achievements could not have been attained without the love and support of his wife of more than 30 years, Teckla, and their children, Janna and Bryn. Mr. President, I know that the members of the Senate will join me in congratulating Mike on a job well-done and thanking him for his service to the people of Michigan.●

A TRIBUTE TO PERCY HILL

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Percy Hill, an accomplished school teacher from Andover, NH. Percy was recently honored at the Disney American teacher Awards, as one of the 33 honorees selected from a group of 70,000 who were chosen for their creativity in the classroom as well as their teaching accomplishments.

Growing up in New England, Percy developed his love for athletics as well as children, spending the past 10 years coaching the Unicycle Team. Working around the clock, he has coached these champions to new levels. They have performed in the Macy's Thanksgiving Day Parade, the Fiesta Bowl Parade, the Strawberry Festival of Virginia and even have gone international, performing in Canada.

Not only has Percy given his time and energy to coaching, but he has spent countless hours raising the funds for the team's traveling expenses. Percy has managed to fund one hundred percent of all of the trips through massive fund raising efforts, allowing all children to go regardless of their situations outside of practice. He has proven time and time again to be a valuable asset not only to the team, but the community of Andover as well.

Aside from Percy's work with the unicycle team he also finds time to volunteer referee both basketball and soccer, proving once again, that Percy Hill puts his dedication to the youth of America at the top of his priority list. He is to be commended on his commitment to Andover Elementary and Middle School, and those students which attend it.

The Disney American Teacher Awards were developed as, ''A way of honoring members of the teaching profession, whose talent, commitment, and creativity have a profound and lasting impact on our children as well as our society as a whole,'' according

to Michael D. Eisner, CEO of Disney. All of Percy Hill's actions speak volumes of his commitment and impact on the children of Andover, NH. It is an honor to represent him in the Senate.●

HONORING MARILYN HERZ AS SOUTH DAKOTA'S TEACHER OF THE YEAR FOR 2001

● Mr. JOHNSON. Mr. President, it gives me great pleasure to honor Marilyn Herz, a sixth grade language arts teacher from Rapid City, who has recently been named South Dakota's Teacher of the Year for 2001.

Marilyn currently teaches at West Middle School in Rapid City and has taught various grade levels in the Rapid City Area School District since 1983. She has devoted an impressive 22 years of her life to teaching elementary school.

Marilyn's greatest service to our community lies in her devotion as an educator to her students. She deserves the greatest praise both from the families of these young individuals, and from all those whose lives she will touch. Her efforts are an invaluable investment in South Dakota's future and we are all truly blessed to have her in the classroom.

In a true testimony of Marilyn's devotion and love for teaching, she commented that her greatest contribution to education is simply that she has given, and will continue to give, all the caring, commitment, and compassion that she has within her to guide students to succeed academically, emotionally, and socially.

Marilyn also makes extra efforts to see that her classes are learning to their potential and preparing themselves for the demands of the 21st century. A true veteran in the field of education, Marilyn's efforts to increase the credibility of teaching as a profession is designed to entice and encourage a new generation of students into following her in this most honorable profession.

Marilyn will now proceed to the national competition for Teacher of the Year. I express my appreciation for the Rapid City Public School Foundation for sponsoring the Teacher of the Year program in the Rapid City School District. As well, I congratulate all of the South Dakota teachers nominated this year.

I commend Marilyn for her outstanding service to the youth of our community. Congratulations and thank you, Marilyn, for your commitment to excellence and dedicated service to your students, your community, and to South Dakota.●

AMBASSADOR DAVID HERMELIN

● Mr. ABRAHAM. Mr. President, today I rise to pay tribute to the memory of an outstanding leader, a philanthropist who knew no limits, and a distinguished public servant whose integrity and decency made him a role-model to all who knew him. A few weeks ago, we in the State of Michigan mourned the passing of Ambassador David Hermelin. I suppose it is a little presumptuous to suggest that only the State of Michigan beams with pride in our association with Ambassador Hermelin, for the organizations that he led, the political leaders he counseled, and the communities to which he dedicated his life, literally span the globe.

Against that backdrop, I will submit for the RECORD excerpts of eulogies—as they were reported in the Detroit Jewish News—by Rabbi Irwin Groner of Congregation Shaarey Zedek in Michigan, Brian Hermelin, Jon Gundersen, deputy chief of the American Embassy in Norway, and U.S. Agriculture Secretary Daniel Glickman.

But before I submit these eulogies, I would just like to take a moment to reflect on the first time I really had a chance to get to know Ambassador Hermelin and the impact he had on me. It was shortly after President Clinton had nominated him to serve as our nation's top diplomatic representative in Norway. As protocol dictates, David contacted his U.S. Senators to seek our support. And while David Hermelin and I did not always see eye-to-eye on the domestic political issues of the day, we agreed to meet to discuss his confirmation process.

While I had heard many things about David before that meeting—about all the charitable causes he had led, about his close relationships with top government leaders in the United States and Israel, about his successful business career—I never could have expected to be drawn to the orbit of David's warmth, energy, kindness and wisdom, in the way that I was.

From the moment we met that afternoon in my office, we forged a friendship, that developed further during our interactions through his Senate confirmation process, when I was proud to testify on his behalf and urge my Republican colleagues on the Foreign Relations Committee to waste no time in ushering this fine man's nomination through the Senate.

And our friendship even deepened further over time. For even though he and I came from opposite sides of the political aisle, I found myself seeking his advice and counsel from time to time.

Sometimes it was his thought provoking perspective on developments in this Middle East, or the insights he had gained the being an active participant in U.S. foreign policy as Ambassador to Norway. Other times it was his advocacy for both the Detroit and American Jewish communities, or his tireless philanthropic efforts in Michigan. Whatever the topic, no matter when we met, it was impossible to not benefit in some way from David Hermelin's wisdom, or his contagious energy and passion for life.

I feel blessed that I knew David Hermelin for the short time that I did. I cannot begin to even imagine the scope and depth of impact he had on the people closest to him. So my heartfelt sympathies and condolences go out to his dedicated and compassionate wife, Doreen, and his devoted, caring, and decent children, grandchildren, nieces, and nephews, many of whom I have had the pleasure of getting to know as well.

In closing, Mr. President, I would like to refer to the description of James Madison, another great American, by one of his biographers, in which Madison was summed up this way: ''When you called on him, he was always home.''

Well, I think that's how David Hermelin could be described as well by everyone he touched. No matter who it was that called on his help and on his leadership—the Jewish community, numerous charitable causes, the State of Michigan, the United States Government, the people of Norway, the State of Israel and most importantly, his family—whenever you called on David Hermelin, he always took your call, and he was always ready to lend a hand.

I am better for having known David Hermelin. He was not only an outstanding leader and generous giver in every way possible, but he was also the kind of individual everyone would want as a neighbor. He will be deeply missed.

I ask that the above mentioned excerpts be printed in the RECORD.

The material follows:

Excerpts from the Detroit Jewish News

DAVID B. HERMELIN, SAYING GOODBYE

A BELOVED LEADER GETS AN EMOTIONAL FAREWELL AT SHAAREY ZEDEK

David Hermelin was remembered by more than 2,500 people whose lives he touched at his Nov. 24 funeral. it was held in Southfield at Congregation Shaarey Zedek—the synagogue he had served as president. Afterwards, some 150 cars formed a procession for the interment at Clover Hill Park Cemetery in Birmingham.

Mr. Hermelin, of Bingham Farms, died of brain cancer Nov. 22, 2000 at age 63.

Delivering the eulogy was his friend of 41 years, Shaarey Zedek Rabbi Irwin Groner. Also speaking were Jon Gundersen, deputy chief of the American Embassy in Oslo, Norway, where Mr. Hermelin served as ambassador; U.S. Agriculture Secretary Daniel Glickman; and Mr. Hermelin's son, Brian.

Speaking first, Gundersen said he has just conveyed to Mr. Hermelin's wife, Doreen, messages from the royal family of Norway, from the U.S. Secretary of State Madeleine Albright, from the Norwegian ambassador and consul general, from the prime minister of Norway and from the foreign minister.

''I've just arrived from Norway, and it seems the entire nation sends to David and Doreen their greatest condolences,'' Gundersen said.

''David and Doreen represented the very best of America and what we stand for. Faith, honesty, openness, tolerance, love. David, your embassy family and indeed an entire nation will miss you. You will be in our hearts forever.''

Glickman, like President Bill Clinton, has known the Hermelins for many years. He shared a letter the president sent to Mrs. Hermelin, which read, in part:

''David loved life. And he made sure that everyone around him shared that love. I will always cherish his friendship and support

and remember with gratitude his exceptional service as our ambassador to Norway.

''He left the world a better place than he found it. And no one could ask for a finer legacy

''Hillary and I are keeping you and your family in our thoughts and prayers.''

Brian Hermelin then gave an emotional, personal tribute to his father.

''The thing about us that made us feel the most special was that he was our dad,'' Brian said. ''Just being able to be with him at the intimate family settings allowed the full bright glow of one of God's brightest lights to shine on us and provided a comfort and security which is irreplaceable.''

Brian added, ''He just knew how much fun it was to be alive. And he was sure if you were with him, you would know how much fun life could be, too.,

''We took such pride in his accomplishments with him,'' Brian said. ''We were all equally amazed at how far and how much he accomplished because we know how he saw himself, just a regular kid from Pasadena [Avenue in Detroit]. He made it all seem so within our reach—the accomplishments, the friends, the admiration, the fun. Just go out there with that positive, can-do attitude and you can have all that, too.''

Rabbi Groner mourned his friend, whose influence was felt from the sanctuary of the synagogue to the far reaches of the world stage.

''When a true leader goes, can he be replaced?'' the rabbi asked. ''Woe is the army that has lost its captain.

''We will miss him. He will miss his hearty welcome, he warm laugh, his quick wit, his words of encouragement, his shared exuberance.

''When David came into a room, his luminous presence was immediately felt,'' Rabbi Groner added. ''He was so vital, so filled with energy, so magnetic that he seemed indestructible.

''Once you came to know David, your life changed. You laughed more, you felt more, you cared more, you gave more.

''To have known David was to have warmed your hands at the central fire of life.

''For David Hermelin, service, benevolence, mitzvot was the very essence of his life,'' said the rabbi.

''David gave us a great and blessed gift. He taught us how to dream a glorious dream.''

Mr. Hermelin is survived by his wife, Doreen; son and daughter-in-law Brian and Jennifer Hermelin; daughters and sons-in-law Marcie and Rob Orley, Karen Hermelin Borman and Mark Borman, Julie Hermelin Frank and Mitchell Frank, Francine Hermelin Levite and Adam Levite; and grandchildren Matthew, Alex, Jason and Olivia Orley, Max and Isabel Hermelin, Asa Levite and Madeline Borman.

Also suriving are sisters and brother-in-law Henrietta Hermelin Weinberg, Lois Shiffman and Terran and Roger Leemis; brothers-in-law and sisters-in-law Eugene and Suzanne Curtis, Reggie and Dr. Robert Fisher and Mitchell Curtis; and mother-in-law Anna Curtis.●

CAROL BROWNER TRIBUTE

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Carol Browner, the longest-serving Administrator in the history of the U.S. Environmental Protection Agency and one of the people with whom I have been most honored to work. I can think of no finer role model for young women, or young men, considering a career in government today than Carol Browner. Since she came to the EPA seven years ago, she has set a gold standard for public service and for protection of the public's health. A dedicated advocate for the environment, she has never neglected her responsibility to protect and preserve the water, land and air that our childrens' children will inherit from us.

Carol Browner has been a tireless advocate for the environment and made significant contributions in every area that the EPA touches. As just one example, Administrator Browner set up a childrens' office at the EPA for the first time, signaling her commitment to strengthening the ties between the environment and children's health. Under Administrator Browner's control, the EPA began to take children into account when developing air and water safety standards, such as the Safe Drinking Water Act. The Food Quality Protection Act was the first law that made health of children, rather than adult males, the benchmark for evaluating safety. These two acts are monuments to Carol Browner's dedication to the environment and to children.

To better protect our nation's surface waters, Administrator Browner was a principal architect of the Clinton Administration's Clean Water Action Plan. One component of this program was to increase the public's knowledge about the potential health threats from swimming in contaminated waters at our nation's beaches. Under her leadership, EPA established a publicly-accessible Internet site containing information about water quality and beach closings across the nation. Administrator Browner and I worked closely together to strengthen the water quality standards for our nation's coastal recreation waters, and to assist states in setting up beach monitoring and notification programs. Our efforts were successful through the enactment of Public Law 106–284, also known as the ''Beach Bill.''

Through the Clean Water Action Plan, Administrator Browner demonstrated her ability to take on the tough fights and to do what was right for the environment. Under her leadership, EPA adopted policies to reduce polluted runoff from factory farms and from aging urban wastewater systems, and helped obtain the funding to implement these controls.

As a proponent of corporate responsibility and the citizen's ''right to know,'' an area of particular interest to me, Administrator Browner, the law and EPA's implementation of it, effected a 50 percent drop in the rate of industrial emissions, without creating any new regulatory mandates. As another example, Administrator Browner fought to limit the industrial pollution generated by coal fire plants in Midwestern states that contributed to air pollution in New Jersey. Under Administrator Browner and President Clinton, the EPA has both vigorously enforced environmental laws and reached out to industry to find creative new incentives and environmental results. This is the kind of leadership that Democrats and Republicans can both rally around.

Perhaps most importantly to my home state, during Administrator Browner's nearly eight-year tenure, the Superfund Program has completed three times the number of waste site cleanups than in its previous twelve years. She helped keep Superfund strong, and held fast to the belief that justice and the environment are best served when polluters pay to clean up the messes they create, even while she strove to improve the program and accelerate clean-ups. I was honored to share the stage with Administrator Browner recently at Pepe Field in Boonton, New Jersey, which was Superfund's 750th clean-up. What was once a malodorous eyesore is now a thriving community park. Pepe Field is but one of many Superfund success stories under Administrator Browner's leadership.

With her oversight of the Brownfields program, Carol Browner has demonstrated the vital ties between a healthy environment and a healthy economy. Revitalizing these sites created more than 8,300 construction jobs. And once the work was done, another 22,000 jobs were either created or retained. Much of this economic revitalization happened in communities in need, where per capita incomes averaged just over $10,000 a year, versus a national average of almost $14,500. This program brings both environmental and economic justice to these neighborhoods. Communities once on the verge of despair are back on the road to revitalization, thanks to Carol Browner.

Carol Browner is one of the best friends this nation's environment has ever had. As I prepare to leave the Senate, I will remember her for many things, but most of all for her optimism, her commitment, and her integrity. I thank her for her work and salute her accomplishments.●

FIFTIETH ANNIVERSARY OF THE ABILENE PHILHARMONIC ORCHESTRA

● Mrs. HUTCHISON. Mr. President, I would like to take this opportunity to note a very important event for the city of Abilene, Texas. On December 2 of this year, the Abilene Philharmonic Orchestra celebrated its 50th anniversary. This is one of Abilene's oldest performing arts organizations. This great symphony orchestra enriches the cultural life of this city in a unique way. It has drawn top quality musicians to this wonderful city. Abilene is now a city where talented musicians can also teach and perform. When the Philharmonic started in 1950, concerts were held in the old Abilene High School with audiences of less that 100 people. Now, the Abilene Philharmonic Orchestra performs in the Abilene

Civic Center with crowds averaging 2,000. I would not only like to acknowledge this organization for their 50th anniversary, but also the enormous impact they have had on the Abilene community.●

TRIBUTE TO LIEUTENANT COLONEL MICHAEL BLOOMFIELD, USAF

● Mr. LEVIN. Mr. President, I rise today to recognize and pay tribute to Lieutenant Colonel Michael Bloomfield, USAF. Lieutenant Colonel Bloomfield was the pilot of the space shuttle Endeavor during its recent 11-day mission to make repairs to the International Space Station Alpha. One of the highlights of this mission was the installation of new solar wings to provide electricity for the astronauts and cosmonauts who live and work there. These solar panels are 240 feet from tip to tip, the longest structure deployed in space.

Lieutenant Colonel Bloomfield was born in Flint, Michigan. He graduated from Lake Fenton High School, and still considers Fenton, Michigan, as his hometown. He attended the United States Air Force Academy, where he was captain of the United States Air Force Academy Falcon Football Team. He received a Bachelor of Science Degree in Engineering Mechanics from the Air Force Academy, and a Master of Science Degree in Engineering Management from Old Dominion University.

Lieutenant Colonel Bloomfield was trained as an F–15 Fighter Pilot, and has been assigned to NASA since 1995. This was his second space flight. His first flight was a mission to rendezvous and dock with the Russian Space Station Mir to exchange U.S. crew members.

Mr. President, we in Michigan are proud of Lieutenant Colonel Bloomfield's record as a NASA astronaut. I know my Senate colleagues join me in congratulating Lieutenant Colonel Bloomfield for his outstanding service to our nation.●

CONRAD N. HILTON AWARD FOR CASA ALIANZA

● Mr. KENNEDY. Mr. President, it is a privilege to bring to the attention of the Senate the excellent work that an impressive organization in Costa Rica is doing to address the tragic problem of street children in Central America. The organization, Casa Alianza—a subsidiary of Covenant House in New York—is headquartered in Costa Rica. It was founded in 1981, and provides services for thousands of homeless children, ages six to eighteen, offering shelter, food, medical care, and educational opportunities.

The extraordinary work of Casa Alianza was recently honored by the Hilton Foundation, when it received one of the world's most prestigious humanitarian awards, the Conrad N. Hilton Award.

At the ceremony in Geneva, Switzerland to present the award, Queen Noor of Jordan praised Casa Alianza. As she stated, ''The phenomenon of street children is global, alarming and escalating. Estimates are that today are 100 million children living on the world's streets. Casa Alianza deserves the Hilton Humanitarian Prize for being the voice and the defender of this helpless and unprotected segment of society and for its important work to stop the human rights abuses inflicted upon them.''

In accepting the award, Bruce Harris, executive director of Casa Alianza, said, ''Street children are often the victims of violence, but what is even more hurtful to them is society's indifference. * * * The prize money will feed and shelter many more abandoned children, but the recognition will feed their souls.''

Mr. Harris was recently profiled in the book Speak Truth to Power: Human Rights Defenders Who Are Changing Our World, by my niece, Kerry Kennedy Cuomo.

I join in commending Casa Alianza for this well-deserved award and for its pioneering work. These children desperately need help, and Casa Alianza is providing it. At great risk, including facing death threats and armed on its facilities, Casa Alianza and Bruce Harris are acting effectively on behalf of these needy children. They deserve our praise, our thanks, and, most importantly, our support. ●

HONORING GERVASE MILLER

● Mr. DORGAN. Mr. President, as America honors and remembers those who have served in our armed forces, I want to recognize the service of Mr. Gervase Miller, a North Dakota native who served his country during World War II. Mr. Miller was drafted into the Army in September 1942 and was away from home while his wife was pregnant with their first child. Although deaf in one ear, Mr. Miller served with distinction for more than three years in China, Burma, and India.

Mr. Miller was a part of the 1575th Heavy Shop Engineers, a group of men who helped to build roads in Burma and then drove heavy supply trucks in this dangerous territory. Throughout his service in the Army, Mr. Miller earned three Battle Stars and one Bronze Star for his heroic actions.

He finally came home for good in December 1945. He was discharged as a Technician, 5th Grade. It is men like Gervase Miller who won World War II for the Allies and helped to guarantee the rights and freedoms that we all enjoy today.

Today, Mr. Miller lives in Parshall, North Dakota, with his wife Bernice. They have four children and 9 grandchildren. As his family gathers for Christmas this year, I want to send out warm holiday greetings to him and a word of appreciation for his service to our country more than 50 years ago.●

THE NATIONAL HUMANITIES MEDAL FOR VIRGINIA DRIVING HAWK SNEVE

● Mr. JOHNSON. Mr. President, I rise to congratulate Virginia Driving Hawk Sneve for being awarded the National Humanities Medal for 2000 presented to her by the President of the United States. Virginia is the first South Dakotan to receive this prestigious award, and I am pleased that she is being recognized for her extraordinary contributions as an author, a counselor, and a teacher.

As you know, the National Humanities Medal honors individuals whose work enhances the nation's understanding of the humanities while also preserving Americans' access to important resources about their history and society. The humanities preserve the voices of generations through history, literature, philosophy, religion, languages, and archaeology. However, the humanities are not simply records of past eras; they are an essential part to the development and understanding of our current culture and definition of who we are as Americans.

Born on the Rosebud Indian Reservation in South Dakota, Virginia Driving Hawk Sneve has become one of the nation's preeminent storytellers. Virginia's stories often come straight from her experiences growing up on the reservation and help give an accurate portrayal of her ancestors' lives in the Dakotas. Her children's books have won numerous awards, including national competitions for minority children's books, because of their unique and poignant mixture of recorded events and imagination.

Virginia has also given us valuable works of literature about the American Indian written from the female perspective. In her award-winning work, Completing the Circle, Virginia breaks the historic mold of denoting Native American women either as princesses like Pocohontas'' or noble savages like Sacagawea.'' The result is an educational account of the strengths and weaknesses of the Sioux culture from the female point of view. Virginia's research and writings have helped others to understand the high level of esteem held by the Sioux for women—a lesson from which Native American society and non-Indian cultures can draw guidance and appreciation.

I applaud Virginia for the literary works she has given us and for her continued teaching, counseling, and mentoring in South Dakota. Virginia's words, either on paper or in person, have opened a nation's eyes to the lives of Native Americans and will prove to be the foundation from which other Native American writers, especially women, will continue to explore their unique heritage and society. Virginia Driving Hawk Sneve is a national treasure and the pride of South Dakota.●

TRIBUTE TO F. FRED GOROSPE

● Mr. LEVIN. Mr. President, I rise today to pay tribute to the life and work of a truly remarkable American and long-time Detroit resident, Fred Gorospe. Born in 1902 in the Philippines, he pursued a dream to journey to America and become part of this great democracy. He overcame many obstacles as a young immigrant, and eventually was able to study mechanical engineering at Purdue University, becoming one of only three minorities hired into the engineering department of the Ford Motor Company not long after the Great Depression. He devoted himself to community and public service, and helped pave the way for many Filipino Americans like himself to assimilate into the mainstream of American life. Fred enjoyed a full life of 97 years and had the good fortune of having a loving wife, Helen, and a caring family that includes four sons and four daughters, and 10 grandchildren. He is well-remembered for his great sense of charity, and his unshakeable faith that people working together can make a difference.

In his lifetime, Fred provided leadership to numerous organizations, including the Federation of Filipinos of Michigan, Michigan Democratic State Central Committee, Advisory Council of Wayne County Community College, Advisory Board and Board of Directors of Detroit Area Agency on Aging, Board of Directors of the International Institute of Metropolitan Detroit, President of Far Eastern Festival of Detroit, Steering Committee of Ethnic Festivals of Detroit, cofounder of Fil-Am Association, and member of the University of Michigan and American Assembly of Columbia University on Philippine-American Relations. Fred made a significant contribution to Detroit's culture, and helped to bridge understanding of and appreciation for diversity. He worked hard to advance equal opportunities for education and social and economic achievement, and promoted the American ideal of social justice.

I would like to express my admiration for the life and accomplishments of Fred Gorospe. We can all benefit from his example of courage, perseverance and leadership. Fred has left an indelible mark on Detroit's history and its community. His family can be proud of his legacy. I know my Senate colleagues will join me in paying tribute to Fred Gorospe, and in congratulating his family on his exemplary and principled dedication to helping and enriching the lives of others.●

TRIBUTE TO JOHN REDNOUR

● Mr. DURBIN. Mr. President, I rise today to recognize John Rednour, who has recently been named the millennium ''Outstanding Citizen of the Year'' by the Du Quoin Chamber of Commerce.

John Rednour has been a friend of mine for over thirty years. His life story is a fascinating tale of humble origins, a great family, hard work, and success. When others might have relaxed or retired, John and his life's partner Wanda continue to give to others every day. John's record as Mayor of Du Quoin is proof positive of his commitment to public service.

John Rednour has served as the Mayor of the City of Du Quoin, Illinois, for the past 11½ years, and his contributions to the city during his tenure have been outstanding. His hard work and dedication have had a tremendous impact on the city and its people, and it is only fitting that he be singled out for the City of Du Quoin Chamber of Commerce's highest honor.

During his time as Mayor, John Rednour has been instrumental in building new public facilities, including a city hall, library, and police department. These are just the beginning of the list of accomplishments in which Mayor Rednour has played the leading role. The strengthening of the infrastructure through water and sewer improvements may be among the less glamorous projects he has undertaken, but they are very important to Du Quoin. Over the years Mayor Rednour assured the safety of the community by fully staffing the Du Quoin police and fire departments. Also, during his administration, for the first time in the history of the 150-year-old city, Du Quoin has secured city wide fire protection.

John Rednour has also greatly increased the economic vitality of a city that is proud of its mayor. One of the ways in which he was able to boost its economic status was through the construction of the Du Quoin Industrial Park, completed with the aid of the Chamber of Commerce. Over the years, he has also helped to attract numerous businesses to the city, resulting in new jobs to the area. His actions have contributed to a fully staffed tourism commission that has helped to give Du Quoin a firm footing in the tourism industry in Southern Illinois. Mayor Rednour has helped Du Quoin through his ability to gain access to state and federal funding, which has helped the city to complete many of these important projects during his administration. His vision is transforming Du Quoin into a 21st century city.

In closing, Mr. President, all of these achievements, and many more, are the fruits of the labor of John Rednour. His dedication to his job as Mayor and to his city have made his administration a great success. I applaud John Rednour for his achievements and his many successful efforts to improve the quality of life for the citizens of Du Quoin.●

RETIREMENT OF RAY KAMMER

● Mr. HOLLINGS. Mr. President, those of us who have been around this town for a while know how much we and this government depend on our civil servants to get the really tough jobs done, to bring ideas to reality, and sometimes to even tell us when our ideas need some adjusting, shall we say. These people don't get much praise, at least not nearly enough.

One of the classic examples of a dedicated civil servant, Ray Kammer, is about to retire from government service after 31 years. Ray retires on December 29 as Director of the Commerce Department's National Institute of Standards and Technology, where he spent the vast majority of his career. I have known Ray for a good portion of that time, both from his work at NIST and from the time he spent at the Department's headquarters and the National Oceanic and Atmospheric Administration, NOAA.

In the late 1980's, the country called upon NIST, which used to be known as the National Bureau of Standards, to help industry rally and regain its competitiveness. It was a time when we first began facing severe competition from overseas. The Bureau's labs had a long-standing reputation for excellence, impartiality, and for working cooperatively with industry. Ray helped us to expand that mission by establishing NIST and adding the Advanced Technology Program, the Manufacturing Extension Partnership, and the Baldrige National Quality Program. It wasn't easy, but we got it done. Ten years later—with Ray's help—those programs have been tremendously beneficial for this country.

While at NOAA and during his time as Acting Assistant Secretary for Administration at the Commerce Department, Ray helped to stabilize several critical programs that needed the steady hand of an experienced manager. He was the Department's fireman of sorts, always being called on to help put out this fire, put out that fire, and to keep another one from breaking out. Even now, Ray is helping us take a look at how to improve NOAA's fisheries service.

I am sorry that we are losing Ray, especially at a time when NIST is just about to begin its centennial year and the agency will be getting a lot more attention and credit for all of the good work that its staff has done. I want to wish him my very best. I know that I am joined by others in this body who have had the pleasure of working with this dedicated public servant, Ray Kammer.●

CELEBRATING THE ACHIEVEMENTS OF SAINT JOSEPH'S HOSPITAL

● Mr. ROCKEFELLER. Mr. President, I rise today to celebrate the achievement of one of West Virginia's finest healthcare facilities, Saint Joseph's Hospital in Parkersburg, West Virginia. Earlier this month, Saint Joseph's was recognized as one of the top 100 hospitals in the United States in a prestigious study conducted by the HCIA-Sachs Institute in conjunction with the University of Michigan School

of Public Health,. This is an enormous honor for one of West Virginia's critical health care providers.

St. Joseph's Hospital is an acute care regional healthcare facility. Located on the western edge of Wood County, the hospital's service area includes three counties in Ohio and eight counties in West Virginia, with a total population of 316,000. With the announcement of the top 100 hospitals, Saint Joseph's became the first facility in West Virginia to receive this great recognition.

I had the pleasure of visiting Saint Joseph's in October 1998, to partake in the ground breaking for their new $20 million extension. This extension has created over 100 new jobs at the hospital, adding to the 860 people already employed by Saint Joseph's. The extension replaced the physical facilities for surgical and emergency services, and consolidated the hospital's heart services.

The HCIA-Sachs study selects the top 100 hospitals based on five categories, depending on the number of beds and teaching status, and ranks them based on seven measures of clinical, operational, and financial performance. Saint Joseph's has been recognized as one of the top twenty large community benchmark hospitals, with more than 250 beds. The list encourages awareness of industry-wide benchmarks and the measurement of performance against peers. For example, the top hospitals have taken median average length of stay to a five-year low this year, and surpassed comparable hospitals in clinical quality measures, such as lower mortality and complications.

I find it highly gratifying that one of West Virginia's finest hospitals has been nationally recognized by this great honor. It is particularly striking that Saint Joseph's has been distinguished by a study with such very high standards as one of the top twenty facilities of its kind. I am so thankful to the Saint Joseph's Hospital's CEO Stephens Mundy, its doctors and nurses, and all of its employees for the amazing work that they continue to do to serve their community. The people of Wood County, West Virginia, and the surrounding areas, are indeed fortunate to have you as part of their community. Congratulations on this great achievement.●

SCIENTISTS AND PUBLIC SERVICE

● Mr. AKAKA. Mr. President, I rise today to call my colleagues' attention to the work of scientists around the country who are involved in guiding the federal government in issues relating to science and technology. As the ranking Democrat on the International Security, Proliferation, and Federal Services Subcommittee, I know the importance of these men and women who support our nation's ability to make informed science policy decisions.

Throughout this Congress, the Governmental Affairs Committee has held extensive hearings on the challenges facing the federal government to ensure adequate staffing levels in the face of aggressive competition from the private sector for skilled employees. A common theme of these hearings is the shortage of information technology employees, and the federal government is taking steps to fill the critical gaps in IT personnel through enhanced recruitment, retention, and training programs. The Office of Personnel Management recently announced new pay schedules for some levels of IT employees, and a new scholarship program will offer financial assistance to undergraduate and graduate students in exchange for a two-year commitment to work for the government in information security. The program was authorized by the FY01 Defense Authorization bill.

However, in the rush to ensure adequate IT and computer information security staffing levels, we should not forget the need to make certain that the federal government continues to attract physical and natural scientists. The November 24, 2000 issue of Science discusses the difficulties and rewards facing scientists who enter public service. These ''civic scientists'' are employed at all levels of government, as well as serving on federal advisory panels and review groups. Their activities play a critical role in making decisions for funding priorities, new initiatives, and regulatory actions that depend increasingly on scientific expertise.

The scientific community and the federal government have a mutually beneficial relationship, which is nurtured through programs that bring scientists into policy staff positions, both as career employees and as temporary staff. I know my colleagues are well acquainted with the Sea Grant Fellowship program that offers an educational experience to graduate students in marine or aquatic studies to work in a congressional, executive branch, or association office. Nor are we strangers to the American Association for the Advancement of Science (AAAS) Fellowship program that introduces over 100 scientists and engineers from diverse fields to executive and legislative policy positions for one to two years. These fellowship programs provide unique opportunities to scientists and serve as an introduction to working for the federal government.

In addition, many professional science and engineering societies are addressing the importance of these programs to science and the value of the scientists who choose to take on these roles. The scientific community is changing its view of those who work in science policy as digressing from ''real science'' to instead seeing it as a respectable career path. These programs and others put scientists into staff roles at the federal level and create politically informed citizen-scientists.

Besides bringing scientific expertise and professional service into federal offices for a year or more, these programs provide scientists with a deeper understanding of policy making and the government. It is expected when these ''civic scientists'' return to their universities, laboratories, and companies that they will share their experiences and understanding with others and encourage their colleagues to become involved. The activities taken by citizen-scientists, both as part of formal fellowship programs, and as employees, advisors, consultants, and individual voters, demonstrate the importance their work plays in our society. I will continue to seek increased opportunities for science fellows and scientific advisors to explore opportunities in federal policymaking, and I ask that the text of the ''Science'' article be printed in the RECORD.

The material follows:

[From Science Magazine, Nov. 24, 2000]

STAFFING SCIENCE POLICY-MAKING

(By Daryl Chubin and Jane Maienschein)

There are repeated calls for scientists worldwide to become involved in guiding government decisions concerning science. In the United States, science policy-making positions span the gamut from political appointees (through a melange of advisory panels, review groups, and professional associations) to consultants, all of whom provide commentary—solicited and unsolicited—on budgets, programs, and current science and technology issues. Neal Lane, Assistant to the President for Science and Technology Policy, has called for ''civic scientists'' to enter public service as staff in support of informed science policy-making.

Given the daily decisions affecting the directions and applications of science, the more staff members who understand science the better. Otherwise, valuable time is wasted and risks are taken in making uninformed decisions about funding priorities, new initiatives, and regulatory actions that increasingly depend on considered scientific judgments. One way to add scientific value to decision-making is to bring scientists into staff positions, either within a policy career path or as a temporary assignment. The question is how to attract more scientists to take up this public service and how to prepare them to contribute?

Overcoming the underlying problem of conflicting core values in the scientific and policy cultures presents a challenge. Working individually within a laboratory hierarchy, scientists are rewarded for originality and ownership of ideas. Even in collaborative projects, the leaders typically receive the credit. Despite periodic calls for rewarding departments, multidisciplinary teams, and broader collaborations, an individualistic ethic prevails. Researchers seek credit, and the community practices individual accountability for performance. Priority of discovery, authorship, and invention all circle around the traditional proprietary nature of scientific knowledge.

Scientists who move from the laboratory into public service, and from the foreground into the background, will experience culture shock. An outstanding speech or position paper on which the scientist's name does not appear replaces an article published in a peer-reviewed journal. Ego must fade from view; instead, satisfaction comes from being part of the process and seeing it work. This requires learning to speak for someone else, in someone else's voice, to someone else's credit. Why should any self-respecting scientist want to do this? Because there is more at stake than acclaim by one's professional

community. There is a larger public and national interest. Beyond altruism, staff work allows another expression of the competitive values of science. In a high-stakes high-tempo environment, scientists can make a difference by drawing on their research and pedagogical skills while mastering new ones. Many have done so admirably, but we need more scientists who are willing to help staff science policy-making.

In the United States, a number of programs exist to provide orientation and on-the-job training for scientists willing to enter this public role. For example, Research!America connects scientists in all federal legislative districts with representatives there. The Ecological Society of America is cultivating a cohort of Aldo Leopold Fellows. The Congressional Fellows program of the American Association for the Advancement of Science introduces scientists to the policy-making process. Many U.S. universities now offer undergraduate and graduate students a semester in Washington as an intern in an agency, congressional office, or think tank. These programs and others put scientists into staff roles at the federal and local levels and create cohorts of politically informed citizen-scientists. We applaud these efforts and call for more.

In particular, we need more public discussion of what it means to serve as staff and why it is important for science that some scientists take on these roles. We need additional training at all levels to negotiate the clash of cultures. We need rewards for those who undertake staffing roles and do them well. These scientists should not be seen as digressing from ''real science'' but as facilitating the expanding reach of science as a respectable career path. Staffing science should be embraced as a necessary part of the scientific enterprise, as well as a form of public service that advances interest, appreciation, and understanding of a rapidly changing world.●

TRIBUTE TO ALLAN W. WITTE

● Mr. DURBIN. Mr. President, I rise today to recognize the extraordinary contributions of Allan W. ''Buck'' Witte to the people of Adams County, Illinois, and to congratulate him on his recent retirement.

One week ago, Al Witte quietly retired as Adams County Treasurer, a post he had held since 1992. But his public service contributions extend far beyond the treasurer's office. Al spent three years on the Adams County Board, winning a district in 1990 that, quite frankly, he wasn't supposed to win.

During his tenure on the County Board and in the treasurer's office, he became one of the most popular public servants in Adams County, drawing the largest vote totals of any county official. He followed in the footsteps of his late father, Art Witte, a hard working Adams County Clerk, who dedicated himself to a lifetime of public service.

Prior to his tenure on the Adams County Board and his service as Treasurer, Al worked for 30 years at Gardner-Denver in industrial engineering, retiring from that post in 1989.

Anyone who knows Al is aware of his strong support for the Democratic Party, an unyielding loyalty that ensured he was the first phone call made by any Democratic politician arranging a visit to Adams County. Although at times a fierce partisan, he kept winning elections by appealing to Democrats, Republicans, and Independents. He was a true bridge builder and an effective county and party official.

Mr. President, I have had the honor of working with Al Witte for most of this past decade, including when I represented Adams County and Quincy in the U.S. House of Representatives. I have always been taken by his dedication, loyalty, and commitment to public service. His will be incredibly big shoes to fill.

In closing, Mr. President, I applaud Al for his commitment and his efforts to improve the quality of life in Adams County, Illinois. I send my best wishes to Al for a happy and healthy retirement that allows him to spend a great deal of time with his wife, Mary, his children, and his grandchildren. We'll miss Buck, but will take comfort in the fact that he is only a phone call away.●

HONORING THE YOUTH MUSEUM OF SOUTHERN WEST VIRGINIA

● Mr. ROCKEFELLER. Mr. President, today I am especially proud to recognize the achievement of one of my state's most prized organizations, the Youth Museum of Southern West Virginia. Joining only 21 other museums nationwide, the Youth Museum has been selected as a recipient of this year's prestigious Institute of Museum and Library Service National Award for Museum Service. This award highlights the enormous contributions made by the Youth Museum to the growth and development of the children of Southern West Virginia. This organization is truly deserving of this national recognition.

Located in the beautiful mountains of Beckley, West Virginia, the Youth Museum has brought culture, art, and the rich tradition of Appalachian history to West Virginian school children since 1977. Earning the praise of teachers, parents, and school administrators, the Museum has touched the lives of thousands of families across the state. Without the vast resources of more urban contemporaries, the Youth Museum has helped to ensure that West Virginia's children have a sense of the diverse accomplishment and creativity that define their state's heritage.

An example of the unique and significant opportunities offered by the Youth Museum can be found in the Page After Page program. Recognizing the extraordinary number of talented writers to be found in our state, the Museum has brought together teachers, librarians, reading specialists, students, and native authors to create an exhibition that emphasizes literacy and the achievements of West Virginia artists. Combining a focus on improving reading skills with the unique and personal contributions of local writers, this program continues to challenge, stimulate, and inspire young readers across the state.

However, the Page After Page program is just one example of the Museum's commitment to providing positive and significant opportunities for West Virginia's youth. The Artists-in-Residence series, programs for special needs preschoolers, a planetarium, a science room, even a recreated pioneer village—the list of educational resources and activities is endless. Of course, this list reflects the hard work and dedication of an organization that has not wavered in its commitment to our children, or in its celebration of the unique and vital history of West Virginia.

For 23 years, the Youth Museum has been enriching the lives of the children and families in our great state. Truly, it was a privilege to nominate the Youth Museum of Southern West Virginia for this year's Award for Museum Service, and it was no surprise to learn that they were chosen for this prestigious national recognition. I am deeply proud of their accomplishment, and look forward to the many contributions the Museum will continue to make to the education of West Virginia's youth.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 15, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, without amendment.

S. Con. Res. 161. Concurrent resolution to correct the enrollment of H.R. 5528.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3594. An act to repeal the modification of the installment method.

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 15, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 439. An act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of

the Toiyabe National Forest, Nevada, and to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1508. An act to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes.

S. 1694. An act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.

S. 1898. An act to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 3045. An act to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.

H.R. 2903. An act to reauthorize the Striped Bass Conservation Act, and for other purposes.

H.R. 5461. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

H.R. 5630. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 5640. An act to expand homeownership in the United States, and for other purposes.

Under the authority of the orders of the Senate of January 6, 1999, the enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

At 5:17 p.m., a message from the House of Representatives, delivered by Ms. Kelaher, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 446. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Sixth Congress.

At 7:01 p.m., a message from the House of Representatives, delivered by Ms. Kelaher, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 1653. An act to approve a governing international fishery agreement between the United States and the Russian Federation.

H.R. 4942. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 5016. An act to redesignate the facility of the United States Postal Service located at 514 Express Center Drive in Chicago, Illinois, as the ''J.T. Weeker Service Center.''

H.R. 5210. An act to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the ''George Atlee Goodling Post Office Building.''

H.R. 5528. An act to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under the authority of the orders of the Senate of December 15, 2000, the enrolled joint resolution was signed subsequently by the Acting President pro tempore (Mr. ABRAHAM).

At 7:58 p.m., a message from the House of Representatives, delivered by Ms. Kelaher, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 604. An act to amend the charter of the AMVETS organization.

H.R. 2049, An act to rename Wolf Trap Farm Park for the Performing Arts as ''Wolf Trap National Park for the Performing Arts.''

H.R. 2816. An act to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

H.R. 3488. An act to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the ''Pat King Post Office Building.''

H.R. 5562. An act ti amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 445. Concurrent resolution whereas Henry B. Gonzalez served his Nation and the people of the 20th District of Texas in San Antonio with honor and distinction for 37 years as a Member of the United States House of Representatives.

The message further announced that the House has passed the following bill, without amendment:

S. 3181. An act to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 138. Concurrent resolution expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year.

S. Con. Res. 158. Concurrent resolution expressing the sense of Congress regarding appropriate actions of the United States Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as prisoners of war of Japan during World War II.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2924. An act to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

The message also announced that the House agrees to the Senate amendment to the House amendments to the bill (S. 2943) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 15, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 439. An act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, and to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1508. An act to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes.

S. 1694. An act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.

S. 1898. An act to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 3045. An act to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11876. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Petition By American Samoa for Exemption from Anti-Dumping Requirements for Conventional Gasoline'' (FRL #6908–8) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11877. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Emissions from New Nonroad Spark-Ignition Engines Rated above 19 Kilowatts and New Land-Based Recreational Spark-Ignition Engines'' (FRL #6907–5) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11878. A communication from the Deputy Associate Administrator, Environmental

Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Partial Withdrawal of District Final Rule for Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District'' (FRL #6908–3) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11879. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Texas; Excess Emissions During Start-up, Shutdown, Malfunction and Maintenance'' (FRL #6907–8) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11880. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Incorporation of Clean Air Act Amendments for Reductions in Class I, Group VI Controlled Substances'' (FRL #6906–4) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11881. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Pinal County Air Quality Control District and Pinal-Gila Counties Air Quality Control District'' (FRL #6839–9) received on December 7, 2000; to the Committee on Environment and Public Works.

EC–11882. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NOx RACT Determinations for Individual Sources'' (FRL #6577–9) received on December 7, 2000; to the Committee on Environment and Public Works.

EC–11883. A communication from the Assistant Chief Counsel for Legislation and Regulations, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Major Capital Investment Projects'' (RIN2132–AA63) received on December 7, 2000; to the Committee on Environment and Public Works.

EC–11884. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL #6915–8) received on December 7, 2000; to the Committee on Environment and Public Works.

EC–11885. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Special Apple Loan Program and Emergency Loan for Seed Producers Program'' (RIN0560–AG23) received on December 11, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11886. A communication from the Office of the President, Overseas Private Investment Corporation, transmitting, pursuant to law , a report relative to establishing a council to promote greater investment in sub-Saharan Africa; to the Committee on Foreign Relations.

EC–11887. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, pursuant to law, the annual report for the period July 1, 1999 through June 30, 2000; to the Committee on Foreign Relations.

EC–11888. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 2001–11; Adequate Disclosure'' (Revenue Procedure 2001–11) received on December 7, 2000; to the Committee on Finance.

EC–11889. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 2001–4'' (SPR–128950–00) received on December 8, 2000; to the Committee on Finance.

EC–11890. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Safe Harbor Transfers of REMIC Residuals'' (Revenue Procedure 2001–12) received on December 8 , 2000; to the Committee on Finance.

EC–11891. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amended Bond Procedures for Articles Subject to An Exclusion Order Issued by the U.S. International Trade Commission'' (RIN1515–AC43) received on December 8, 2000; to the Committee on Finance.

EC–11892. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Export Certificates for Lamb Meat Subject to Tariff-Rate Quota'' (RIN1515–AC54) received on December 8, 2000; to the Committee on Finance.

EC–11893. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Civil Asset Forfeiture'' (RIN1515–AC69) received on December 11, 2000; to the Committee on Finance.

EC–11894. A communication from the Secretary of Education, transmitting, pursuant to the Federal Advisory Committee Act, a follow-up report on recommendations; to the Committee on Health, Education, Labor, and Pensions.

EC–11895. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Premium Rates; Payment of Premiums'' (RIN1212–AA58) received on December 7, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11896. A communication from the Director of the Office of Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Outer Burial Receptacles (with a companion Notice)'' (RIN2900–AK49) received on December 8, 2000; to the Committee on Veterans' Affairs.

EC–11897. A communication from the Housing and Urban Development Secretary Designee To the Board of Directors, Federal Housing Finance Board, transmitting, pursuant to the Inspector General Act, a report on activities for the six-month period ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11898. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing: Administrative Process for Assessment of Insured and Assisted Properties'' (RIN2501–AC45) received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11899. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations 65 FR 71262'' received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11900. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 65 FR 71260'' (Docket No. FEMA–B–7406) received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11901. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 65 FR 71258'' (Docket No. FEMA–D–7505) received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11902. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility 65 FR 75631'' (Docket No. FEMA–7747) received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11903. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments'' received on December 11, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11904. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Michigan'' (FRL #6907–1) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11905. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Georgia: Final Authorization of State Hazardous Waste Management Program'' (FRL #6907–3) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11906. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Emission Guidelines for Existing Small Municipal Waste Combustion Units'' (FRL #6899–5) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11907. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New Source Performance Standards for New Small Municipal Waste Combustion Units'' (FRL #6899–6) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11908. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Methods Update'' (FRL #6918–2) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11909. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Toxic Substances Control Act Test Guidelines'' (FRL #6551–2) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11910. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Santa Barbara and Ventura County Air Pollution Control Districts'' (FRL #6895–7) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11911. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for hazardous Air Pollutions from the Pulp and Paper Industry'' (FRL #6917–1) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11912. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Final Interim Approval of the Operating Permits Program; Approval of State Implementation Plan Revision for the Issuance of Federally Enforceable State Operating Permits; Antelope Valley Air Pollution Control District, California'' (FRL #6864–3) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11913. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Final Full Approval of Operating Permits Program: The U.S. Virgin Islands'' (FRL #6916–9) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11914. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Post–1996 Rate of Progress Plan for the Chicago Ozone Nonattainment Area'' (FRL #6917–7) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11915. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Budget Program'' (FRL #6916–8) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11916. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Revisions to Stage II Vapor Recovery Program'' (FRL #6914–1) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11917. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Remove Contract Quality Requirements; Miscellaneous Technical Amendment'' (FRL #6917–2) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11918. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Air Quality Implementation Plan Revisions and Section 112(1) Program; Colorado; Issuance of Permits to Limit Potential to Emit Criteria and Hazardous Air Pollutants'' (FRL #6875–6) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11919. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a notification of efforts to provide emergency assistance relative to the West Nile Virus; to the Committee on Environment and Public Works.

EC–11920. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the implementation of transfers between the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund; to the Committee on Environment and Public Works.

EC–11921. A communication from the Chairman of the Board of Directors, Corporation for Public Broadcasting, transmitting, pursuant to law, the semiannual report for the period ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11922. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on December 12, 2000; to the Committee on Governmental Affairs.

EC–11923. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report providing comments on the Inspector General Semiannual Report; to the Committee on Governmental Affairs.

EC–11924. A communication from the Secretary of Labor, transmitting, pursuant to the Inspector General Act, the semiannual reports of the Pension Benefit Guaranty Corporation; to the Committee on Governmental Affairs.

EC–11925. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to the Inspector General Act, the semiannual report ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11926. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11927. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11928. A communication from the Director of the National Gallery of Art, transmitting, pursuant to the Inspector General Act and the Federal Managers Financial Integrity Act, a report attesting to the adequacy of management control systems; to the Committee on Governmental Affairs.

EC–11929. A communication from the Secretary of the Treasury, transmitting, pursuant to law, two semiannual reports for the period ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11930. A communication from the Inspector General of the Railroad Retirement Board, transmitting, pursuant to law, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11931. A communication from the Commissioner of Social Security , transmitting, pursuant law, the performance and accountability report for fiscal year 2000; to the Committee on Governmental Affairs.

EC–11932. A communication from the Comptroller General of the General Accounting Office, transmitting, pursuant to law; a report regarding the failure of the National Security Council to provide the General Accounting Office with full and complete access to 26 unredacted documents; to the Committee on Governmental Affairs.

EC–11933. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report for the period ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11934. A communication from the Assistant Secretary, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operation in the Outer Continental Shelf-Update of Documents Incorporated by Reference-API Specification 14A, Tenth Edition'' (RIN1010–AC–66) received on December 11, 2000; to the Committee on Energy and Natural Resources.

EC–11935. A communication from the Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Wilderness Management'' (RIN1004–AB69) received on December 12, 2000; to the Committee on Energy and Natural Resources.

EC–11936. A communication from the Executive Director, Advisory Council on Historic Preservation, transmitting, pursuant to law, the report of a rule entitled ''Protection of Historic Properties (36 C.F.R . Part 800)'' (RIN3010–AA05) received on December 12, 2000; to the Committee on Energy and Natural Resources.

EC–11937. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Maryland Regulatory Program'' (MD–047–FOR) received on December 12, 2000; to the Committee on Energy and Natural Resources.

EC–11938. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Application and Permit Information Requirements; Permit Eligibility; Definitions of Ownership and Control; the Applicant/Violator System; Alternative Enforcement'' (RIN1029–AB94) received on December 12, 2000; to the Committee on Energy and Natural Resources.

EC–11939. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the California wholesale electric market; to the Committee on Energy and Natural Resources.

EC–11940. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulations: Revision of Patent Regulations Relating to DOE Management and Operating Contracts'' (RIN1991–AB55) received on December 14, 2000; to the Committee on Energy and Natural Resources.

EC–11941. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulations; Costs Associated with Whistleblower Actions'' (RIN1991–AB36) received on December 14,

2000; to the Committee on Energy and Natural Resources.

EC–11942. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Material Management and Accounting Systems'' (DFARS Case 2000–D003) received on December 12, 2000; to the Committee on Armed Services.

EC–11943. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''North American Industry Classification System'' (DFARS Case 2000–D015) received on December 12, 2000; to the Committee on Armed Services.

EC–11944. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Polyacrylonitrile Carbon Fiber'' (DFARS Case 2000–D017) received on December 12, 2000; to the Committee on Armed Services.

EC–11945. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Authority to Indemnify Against Unusually Hazardous or Nuclear Risks'' (DFARS Case 2000–D025) received on December 12, 2000; to the Committee on Armed Services.

EC–11946. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Domestic Source Restrictions—Ball and Roller Bearings and Vessel Propellers'' (DFARS Case 2000–D301) received on December 12 , 2000; to the Committee on Armed Services.

EC–11947. A communication from the Chairman of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, transmitting, pursuant to law, the second of three annual reports; to the Committee on Armed Services.

EC–11948. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Profit Incentives to Produce Innovative New Technologies'' (DFARS Case 2000–D300) received on December 12, 2000; to the Committee on Armed Services.

EC–11949. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Modified Styrene-Acrylic Acid and/or Methacrylic Acid Polymers; Tolerance Exemption'' (FRL #6755–7) received on December 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11950. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''TD 8902, Electronic Tip Reports'' (RIN1545–AV28) received on December 13, 2000; to the Committee on Finance.

EC–11951. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–11952. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a transmittal of the certification of the proposed issuance of an export license relative to Turkey; to the Committee on Foreign Relations.

EC–11953. A communication from the Director of Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Immunology and Microbiology Devices; Classification of Anti-Saccaromyces cerevisiae (S. cerevisiae) Antibody (ASCA) Test Systems'' (Docket No. 00N–1565) received on December 12, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11954. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the availability of reasonably priced health coverage; to the Committee on Health, Education, Labor, and Pensions.

EC–11955. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Mystic River, CT (CGD01–00–247)'' (RIN2115–AE47) (2000–0068) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11956. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders'' received on December 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11957. A communication from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''National Sea Grant College Program-National Marine Fisheries Service Joint Graduate Fellowship Program in Population Dynamics and Marine Resource Economics'' received on December 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11958. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to activities and operations of the Public Integrity Section; to the Committee on the Judiciary.

EC–11959. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiamethoxam; Pesticide Tolerance for Emergency Exemptions'' (FRL #6755–8) received on December 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11960. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clomazone; Pesticide Tolerance for Emergency Exemptions'' (FRL #6755–8) received on December 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11961. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting four items; to the Committee on Environment and Public Works.

EC–11962. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Guidelines on Awarding Section 319 Grants to Indian Tribes in fiscal year 2001'' (FRL #6919–8); to the Committee on Environment and Public Works.

EC–11963. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cranberries Grown in States of Massachusetts, et al.; Increased Assessment Rate'' (Docket Number: FV00–929–5 FR) received on December 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11964. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Walnut Grown in California; Increased Assessment Rate'' (Docket Number: FV00–984–2 FR) received on December 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11965. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of Artigas, Uruguay, Because of Rinderpest and Foot-and-Mouth Disease'' (Docket #00–111–91) received on December 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11966. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Specifically Approved States Authorized To Received Mares and Stallions Imported from Regions where CEM Exists'' (Docket #00–115–1) received on December 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11967. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting , pursuant to law, a report relative to accounts containing unvouchered expenditures; to the Committee on Governmental Affairs.

EC–11968. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Relief for Service in Combat Zone and for Presidentially Declared Disaster'' (RIN1545–AV92) (TD 8911) received on December 14, 2000; to the Committee on Finance.

EC–11969. A communication from the Deputy Assistant for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement the Atlantic Herring Fishery Management Plan'' (RIN0648–AI78) received on December 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11970. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Learjet Model 45 Series Airplanes; docket no. 2000–NM–132 [11–1]'' (RIN2120–AA64) (2000–0582) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11971. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica Model EMB–120 Series Airplanes; docket no. 2000–NM–121 [11-7/12–14]'' (RIN2120–AA64) (2000–0583) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11972. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. Model EMB–120 Series Airplanes; docket no. 2000–NM–130 [11–6/12–14]'' (RIN2120–AA64) (2000–0587) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11973. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Legal Description of the Shaw Air Force Base Class C Airspace; Area; SC; docket no. 00–AWA–2 [11–22/12–14]'' (RIN2120–AA66) (2000–0281) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11974. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class E Airspace; Meridian NAS— McCain Field, MS; docket no. 00–ASO–40 [11–22/12–14]'' (RIN2120&AA66) (2000–0282) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11975. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; New Bern, NC; Docket no. 00–ASO–41 [11–22/12–14]'' (RIN2120–AA66) (2000–0283) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11976. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (WV–086–FOR) received on December 14, 2000; to the Committee on Energy and Natural Resources.

EC–11977. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standards for Business Practices of Interstate Natural Gas Pipelines'' (Order No. 587–M, Docket RM96–1–015) received on December 15, 2000; to the Committee on Energy and Natural Resources.

EC–11978. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Device; Exemption From Premarket Notification; Class II Devices; Barium Enema Retention Catheters and Tips With or Without a Bag'' (Docket No. 00P–1343) received on December 15, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11979. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Investment Companies; Management Ownership Diversity'' (RIN3245–AE48) received on December 15, 2000; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–643. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the issuance of a postal stamp to honor coal miners; to the Committee on Governmental Affairs.

HOUSE RESOLUTION NO. 639

Whereas, Our entire Nation owes our coal miners a great deal more than we could ever repay them for the difficult and dangerous job that they performed so that we could have the fuel we needed to operate our industries and to heat our homes; and

Whereas, It would be proper and fitting for our Nation to recognize our coal miners, both past and present, for their contributions to this Nation; therefore be it

Resolved, That the House of Representatives memorialize the United States Postal Service to issue a postage stamp to honor our coal miners and to commemorate their contributions to our Nation and its citizens; and be it further

Resolved, That copies of this resolution be delivered to the United States Postal Service, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–644. A resolution adopted by the Senate of the Legislature of the State of Texas relative to the State Criminal Alien Assistance Program; to the Committee on Appropriations.

SENATE RESOLUTION NO. 1106

Whereas, The United States Congress has established the State Criminal Alien Assistance Program (SCAAP) to provide federal assistance to states and localities for costs incurred for the imprisonment of undocumented aliens who commit criminal offenses; and

Whereas, The SCAAP program, which is administered by the United States Department of Justice, has a funding level authorized by statute of $650 million per year; actual SCAAP funding for the 1999 fiscal year, however, is only $585 million, an amount that provides state and local governments a mere 30 percent of their total reimbursable costs; and

Whereas, The amount of money spent in Texas by local and state governmental agencies related to incarceration of undocumented aliens charged or convicted with criminal offenses ranks as the third highest in the nation; and

Whereas, Although full funding of the SCAAP program to the $650 million level will not decrease the total number of undocumented aliens held in state or county facilities, increased funding will raise the level of costs reimbursed by the federal government to approximately 40 percent of the costs for incarceration of these prisoners; now, therefore, be it

Resolved, That the Senate of the State of Texas, 76th Legislature, hereby respectfully request the Congress of the United States to fully fund the State Criminal Alien Assistance Program at the authorized level of $650 million; and, be it further

Resolved, That the Secretary of the Senate forward official copies of this Resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this Resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–645. A petition from a citizen of the State of New York relative to primary and general elections; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs:

Report to accompany S. 2508, a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes (Rept. No. 106–513).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCONNELL (for himself, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. ALLARD, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. BURNS, Mr. BENNETT, Mr. BREAUX, Mr. HUTCHINSON, and Mr. SANTORUM):

S. 1. A bill to establish an Election Administration Commission to study Federal, State, and local voting procedures and election administration and provide grants to modernize voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

By Mr. SPECTER:

S. 3280. A bill to prohibit assistance to the Palestinian Authority unless and until certain conditions are met; to the Committee on Foreign Relations.

By Mr. TORRICELLI:

S. 3281. A bill to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the Pat King Post Office Building; to the Committee on Governmental Affairs.

By Mr. BINGAMAN:

S. 3282. A bill to authorize funding for University Nuclear Science and Engineering Programs at the Department of Energy for fiscal years 2002 through 2006; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself, Mr. GRAMM, Mr. HARKIN, Mr. FITZGERALD, Mr. HAGEL, and Mr. JOHNSON):

S. 3283. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systematic risk in markets for futures and over-the-counter derivatives, and for other purposes; read the first time.

By Mr. DURBIN:

S. 3284. A bill to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DURBIN:

S. 3285. A bill to amend the Internal Revenue Code of 1986 to exclude tobacco products from qualifying foreign trade property in the treatment of extraterritorial income; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, and Mr. BAUCUS):

S. 3286. A bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself, Mr. INOUYE, and Mr. MURKOWSKI):

S. 3287. A bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time for Presidential general elections; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID):

S. Res. 388. A resolution tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID):

S. Res. 389. A resolution tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

By Mr. LOTT (for himself, Mr. NICKLES, and Mr. REID):

S. Res. 390. To commend the exemplary leadership of the Democratic Leader; considered and agreed to.

By Mr. DASCHLE (for himself, Mr. NICKLES, and Mr. REID):

S. Res. 391. A resolution to commend the exemplary leadership of the Majority Leader; considered and agreed to.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID):

S. Res. 392. A resolution tendering the thanks of the Senate to the Senate Staff for the courteous, dignified, and impartial manner in which they have assisted the deliberations of the Senate; considered and agreed to.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. Res. 393. Considered and agreed to.

By Mr. STEVENS (for himself and Mr. BYRD):

S. Con. Res. 162. A concurrent resolution to direct the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4577; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. McCONNELL (for himself, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. ALLARD, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. BURNS, and Mr. BENNETT):

S. 1. A bill to establish an Election Administration Commission to study Federal, State, and local voting procedures and election administration and provide grants to modernize voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

ELECTION REFORM ACT

Mr. McCONNELL Mr. President, I rise today to introduce the Election Reform Act. As chairman of the Senate Rules Committee, I am pleased to be introducing along with Senators TORRICELLI, FEINSTEIN, ALLARD, SMITH, and LANDRIEU meaningful, bipartisan legislation to reform the administration of our nation's elections. As we move into the twenty-first century it is inexcusable that the world's most advanced democracy relies on voting systems designed shortly after the Second World War. The Election Reform Act will ensure that our nation's electoral process is brought up to twenty-first century standards.

By combining the Federal Election Commission's Election Clearinghouse and the Department of Defenses' Office of Voting Assistance, which facilitates voting by American civilians and servicemen overseas, into the Election Administration Commission, the bill will create one agency that can bring focused expertise to bear on the administration of elections. This Commission will consist of four Commissioners appointed by the President with the advice and consent of the Senate. It will continue to carry out the functions of the two entities that are being combined to create it. These include advising states on the requirements of the Voting Accessibility for the Elderly and Handicapped Act, carrying out the Federal functions under the Uniformed and Overseas Voting Act, and servicing as a clearinghouse for information on federal elections and election administration.

In addition, the new Commission will engage in ongoing study and make periodic recommendations on the best practices relating to voting technology and ballot design as well as polling place accessibility. The Commission will also study and recommend ways to improve voter registration, verification of registration, and the maintenance and accuracy of voter rolls. This is of special urgency in view of the allegations surfacing in this election of hundreds of felons being listed on voting rolls and illegally voting, as reported last week in the Miami Herald, while other law abiding citizens who allegedly registered were not included on the voting rolls and were unable to vote. Such revelations from this year's elections coupled with the well-known report by ''60 Minutes'' of the prevalence of dead people and pets both registering and voting in past elections make clear the need for thoughtful study and recommendations to ensure that everyone who is legally entitled to vote is able to do so and that everyone who votes is legally entitled to do so—and does so only once. In addition to its studies and recommendations, the Commission will provide matching grants to states working to improve election administration.

I think it is important that this Commission be established as a permanent, ongoing body. Many issues of election administration, such as polling place accessibility and alternative voting methods require ongoing examination in view of ever-changing technology. A permanent Commission will be able to better facilitate timely information about new, cost-effective technologies that can improve election administration, such as technology to enable physically-challenged citizens to vote with the same degree of privacy and dignity enjoyed by other citizens. In this age of rapid technological innovation, continuous, ongoing assessment of the ways technology can improve election administration serves our nation's interest by ensuring that outmoded technology and procedures never again impede democracy in our great nation.

I am pleased to announce that Representative TOM DAVIS, along with Representatives ROTHMAN and KENNEDY, are introducing the House companion to our bill today. And finally, I would like to mention some of the citizens organizations that have announced their support for our bill. They include the Paralyzed Veterans of America, The Voting Integrity Project, The National Council on Disability, and the National Foundation for the Blind.

Mr TORRICELLI. Mr. President, I am pleased to join Senators MCCONNELL, FEINSTEIN, ALLARD, LANDRIEU, SMITH and BENNETT to introduce the Election Reform Act of 2000, bipartisan legislation that seeks to modernize and improve the nation's election procedures. Although there is much about the aftermath of the November 7th elections upon which Americans can disagree, this much should be clear: the United States is a 21st century democracy with a 19th century election system. In order to maintain the legitimacy of our country's democratic institutions, we must have an election system that is fair and accurate.

The antiquated voting equipment used in most counties around the country is perhaps the most startling revelation from this year's election. Election Data Services reports that eighteen percent of Americans vote using technology that prevailed around the time Thomas Edison invented the lightbulb and nearly thirty-three percent of Americans vote by punching out unpredictable little chads, a system implemented during the Johnson administration. In a nation where people can confidently access the balance in their checking account on any street corner, it is unacceptable to have any less confidence in the exercise of the most fundamental of rights. Many states and localities continue to use outdated systems because of the cost of replacing them. Electronic voting machines with touch screens similar to bank ATMs, which are the most modern and accurate systems, cost about $5,000 each while replacing a punch-card system costs only about $225.

The inequity in quality of voting machines across the country raises fundamental questions of fairness and equal protection. Statistics from Florida demonstrate that those individuals who voted in areas with punch cards had a much higher chance that their vote would not register than those who voted with more modern equipment. For example, in Florida predominantly African-American neighborhoods lost many more presidential votes than other areas largely because of the inferiority of their voting machines. Thus, thousands of legally qualified voters were disenfranchised as a direct result of the financial resources of their community.

Therefore, in order to help improve and modernize the nation's election procedures, the Election Reform Act establishes a permanent, federal commission charged solely with the improvement of election administration. By combining the Federal Election

Commission's Office of Election Administration (OEC) and the Department of Defenses' Office of Voting Assistance which facilitates voting by American civilians and servicemen overseas, into the Election Administration Commission, the bill will create one agency that can bring focused expertise to bear on the administration of elections. This Commission will engage in ongoing study and make periodic, recommendations on the best practices relating to voting technology and ballot design as well as polling place accessibility. The Commission will also study and recommend ways to improve voter registration, verification of registration, and the maintenance and accuracy of voter rolls. Finally, to help diminish the cost to states and localities of updating their election procedures, the Commission will provide at least $100 million a year in matching grants to states working to improve election administration.

There can never be a sense again that an election in the United States is settled on an arbitrary basis or that elections are an approximation. Constitutional guarantees of one person, one vote mean nothing in theory if they do not have any meaning in practice. So long as one voter, whether it be a senior citizen, an African-American, or one in service to their country has doubt about whether their vote was counted, our democracy suffers. That is an American, not a partisan problem. The challenge before Congress is to make sure that the legacy of this election is not the confusion that has reigned for the past five weeks but an enhancement of the legitimacy and credibility of our democratic processes.

Therefore, I look forward to working with the chairman of the Rules Committee as well as my colleagues on both sides of the aisle to see that this bipartisan legislation is the first priority of the 107th Congress. I am encouraged that both Vice-President Elect CHENEY and Senator JOSEPH LIEBERMAN have expressed their strong desire to make election reform legislation their immediate priority in the next administration and Congress. I am also pleased that Representatives ROTHMAN, DAVIS, KENNEDY, and ALCEE HASTINGS are introducing the House companion of this legislation today. Their support along with the endorsements of the Voting Integrity Project, Paralyzed Veterans of America, the National Organization on Disability, and the National Foundation for the Blind gives me great confidence that this legislation will gather strong support progress quickly.

Mrs. FEINSTEIN. Mr. President, I rise today to join with Senators MCCONNELL and TORRICELLI to introduce the Election Reform Act. I believe that this legislation will play an important role in improving elections in the United States.

The situation in Florida with different counties using different equipment, different standards and different methodologies in the conduct of the election is a clear indication that reform is needed. Although elections are within the purview of the states, if the Federal government can provide incentives and financial assistance to update equipment and administration to ensure that every vote counts, that would be a giant step forward.

Our democracy is based on the principle that our political leaders are chosen through a fair and accurate election process. While the aftermath of this year's election brought much disagreement, it is clear that the voting system is antiquated and in need of reform.

This legislation establishes a permanent, federal Commission dedicated to election administration. This Commission will consist of four Commissioners appointed by the President with the advice and consent of the Senate. The Commissioners will serve four-year terms, with no more than two Commissioners affiliated with the same political party.

The Commission would do the following: study various aspects of election administration and make periodic recommendations on such topics as ballot design, accuracy, security, and technological advances in voting equipment; develop and update voluntary standards for voting systems at least every four years; study accessibility to polling places and recommend voluntary guidelines to increase access to polling places; allocate $100 million in matching funds to States and localities that improve their voting systems in a manner consistent with voluntary recommendations developed by the Commission.

This legislation has the support of the Voting Integrity Project, the Committee for the Study of the American Electorate and the National Organization on Disability, the American Foundation for the Blind, and the Paralyzed Veterans of America.

As we move forward in the 21st century, it is essential that the all Americans, and nations throughout the world, continue to have confidence in our electoral process. This means modernizing the system to include new, cost-effective technologies that can improve election administration. The reforms embodied in this legislation will permit these advances. I am hopeful one of the first acts of the 107th Congress will be to pass this legislation.

Mr. SMITH of Oregon. Mr. President, I am pleased today to join Senators MCCONNELL, TORRICELLI, FEINSTEIN, and ALLARD in the introduction of the Election Reform Act. I think this last election made it abundantly clear that the time has come to streamline and update our voting system's outmoded technology and procedures. As my colleague Senator MCCONNELL has pointed out, it is inexcusable that the world's most advanced democracy relies on voting systems designed shortly after the Second World War.

The Election Reform Act will combine the functions of the Federal Election Commission's Election Clearinghouse and the Department of Defense Office of Voting Assistance, which facilitates voting by American civilians and servicemen overseas, into a single Election Administration Commission which will provide grants to states to modernize their voting procedures. It is important to note that the Commission will in no way usurp what is rightfully the responsibility of the states to determine the times, places and manner of holding elections.

The Commission will study Federal, State, and local voting procedures and election administration and will develop, update and adopt every 4 years, voluntary engineering and procedural performance standards for voting systems. In addition, the Commission will engage in ongoing studies of procedures and make periodic recommendations on the best practices relating to voting technology and ballot design. Another very important responsibility of the Commission will be to advise States regarding compliance with the requirements of the Voting Accessibility for the Elderly and Handicapped Act and develop, update, and adopt voluntary procedures for enhancing voting methods for voters, including disabled voters. It is imperative that, as we pursue improvements in the administration of our elections, we also have the most up-to-date information about new technologies to enable the elderly and the disabled to vote with the same degree of privacy and dignity enjoyed by other citizens.

Mr. President, I believe this legislation will go a long way toward restoring confidence in our voting systems, and I am hopeful that the Senate will pass the Election Reform Act very early in the new Congress.

Mr. SPECTER:

S. 3280. A bill to prohibit assistance to the Palestinian Authority unless and until certain conditions are met; to the Committee on Foreign Relations.

LEGISLATION CONDITIONING ASSISTANCE TO THE PALESTINIAN AUTHORITY

Mr. SPECTER. Mr. President, I rise to introduce legislation at this time which will put on the record factors which have been enormously harmful in the current violence which now occurs in Israel. This bill would prohibit assistance to the Palestinian Authority or Palestinian projects, unless and until certain conditions are met. The Oslo Interim Agreement of 1995 provided that the Palestinian Authority would:

> . . . ensure that their respective educational systems contribute to the peace between the Israeli and Palestinian peoples and to peace in the entire region, and will refrain from the introduction of any motifs that could adversely affect the process of reconciliation.

Notwithstanding that commitment, the Palestinian Authority has filled

the textbooks with the most vitriolic condemnation of Israel and the Jews. For example, the ninth graders are taught:

One must beware of the Jews, for they are treacherous and disloyal.

The ninth graders are further instructed:

One must beware of civil war, which the Jews try to incite, and of scheming against the Muslims.

There are some extraordinarily vitriolic comments which are inciting the young people, the Arabs, to turn to violence in the name of Allah, with the instruction directing them that they will be doing Allah's work, and if they are killed, they will go to heaven as Allah's messengers, as Allah's assistants.

There are reports of 12-year-old boys who leave their homes telling their parents they are off to throw stones and otherwise incite violence. The parents permit this under a fatalistic attitude of ''what will be will be,'' and that it is something to be desired—incite to violence and be killed in doing Allah's work.

The difficulties in the peace process are enormous. They are generational. There is absolutely no likelihood of success if the schoolchildren in the Palestinian Authority schools are going to be taught hatred and violence and the most extraordinary forms of misleading comment—about how to please Allah and how to go to heaven by getting themselves killed in the process of killing others and destroying the peace process.

The United States and our allies have contributed very substantially to projects in the West Bank and Gaza. While the United States has not given aid directly to the Palestinian Authority since 1995, in fiscal year 2000, the United States allocated $485 million in development assistance to non-governmental organizations working in the West Bank and Gaza. Between 1995 and 1998, international aid provided by 21 countries and 4 international organizations amounted to almost $227 million. Between 1993 and 1999, the international community pledged a total of $5.7 billion for assistance in the West Bank and Gaza, and over $2.7 billion was disbursed by the end of 1999, according to the World Bank. I will go into the funding which the United States has provided and which our allies have provided in greater detail.

This legislation would condition any assistance by the United States to the Palestinian Authority on changing those textbooks in accordance with their commitments under the Oslo agreement, ceasing to publish maps which omit Israel but instead refer only to Palestine, and changing the vitriol which appears on the state-sponsored television. These are absolutely minimal steps which have to be taken if there is to be any opportunity for success in the Mideast peace process.

In 1995, Senator SHELBY and I introduced legislation which was enacted which conditioned U.S. aid on the Palestinian Authority changing its charter which called for the destruction of Israel. That, in fact, did happen and perhaps our legislation was somewhat helpful in getting that done. The legislation also conditioned aid on maximum efforts of the Palestinian Authority and Chairman Arafat to restrain terrorists. For a time, I think there was a real effort by Chairman Arafat and many in the Palestinian Authority to do that, but that has totally broken down.

Notwithstanding those grave difficulties, efforts must continue on the peace process to try to terminate the violence there. I note in this morning's press there are reports of additional meetings. I have both privately and publicly commended President Clinton for his efforts in trying to mediate the difficulties between the Israelis and the Palestinians.

This business about teaching sixth graders, seventh graders, eighth graders, and ninth graders to hate and to incite violence is just absolutely intolerable if there is to be any chance at all for the peace process to succeed, and even in the next generation to find a way for people to live in peace with the Jewish State of Israel, the Palestinian Authority and the Arabs, who are citizens of Israel, for that matter.

I am introducing this bill on what is probably going to be the last day of our session so that these educational tools may become better known. People will understand them and will join the fight to insist that they be terminated.

Mr. President, to reinterate, I have sought recognition today to introduce legislation to condition aid to the Palestinian Authority upon the removal of all anti-Semitic and anti-Israel content from their school textbooks, and radio and television broadcasts at publically funded facilities. The Palestinian Authority deliberately and consciously disseminates messages filled with anti-Semitic and anti-Israel hatred with the clear aim of promoting violence against Israel and the Jewish people. This is a clear violation of the spirit of the peace process.

A study by the Center for Monitoring the Impact of Peace, a Jerusalem-based non-governmental organization, found that there is not one example in the entire Palestinian school system of a positive reference to a Jew, Judaism, or to peace with Israel. I urge the passage of this legislation to send a clear signal to the Palestinian people that the international community will not accept the fostering of hatred in textbooks and broadcast media in the West Bank and Gaza. The United States provides assistance to the region in support of the peace process, and we must condition this assistance upon each party's fulfillment of the commitments made to bring peace to the region. Furthermore, we must vigorously press for our allies to do the same.

In years past, Palestinian schools in the West Bank used Jordanian textbooks and the schools in Gaza used Egyptian textbooks. While the areas were under the control of the Israeli government, these books continued to be used but anti-Semitic and anti-Israel material was removed. As a result of the 1993 Oslo Accords, the responsibility for education in the West Bank and Gaza was transferred from the Israeli government to the Palestinian Ministry of Education. While beginning to develop their own curriculum, the Palestinian Ministry of Education continued to use Egyptian and Jordanian books, but failed to remove the anti-Israel and anti-Semitic material. Currently, the Palestinian Ministry of Education is directly supervising the production of new textbooks which are the first Palestinian-produced textbooks.

As part of a pilot program, the first new textbooks were introduced in the first and sixth grades in September 2000, as part of the new curriculum which the Palestinian Authority plans to expand to cover the grades first through twelfth over the next fours years. Many Israelis and others hoped these books would promote the peace process and teach cooperation and tolerance among the Israelis and the Palestinians. Instead, the new Palestinian textbooks continue to contain anti-Israel material, such as a map denying the existence of Israel. The continued promotion of hatred by the Palestinian Authority is unacceptable, as it not only violates the spirit of the peace process but also the letter of the Oslo Accords. The United States and the rest of the international community must send a message to the Palestinian Authority that this will not be tolerated.

By means of both the new and old textbooks in their schools, the Palestinian Authority is raising an entire generation of Palestinian children to despise Jews and Israel. These teachings foster an environment of hatred and violence, not peace and conciliation. Palestinian school children are actively taught that the Jewish people and Israel are the enemy in a broad range of contexts, and that Jews are not to be trusted. For example, on page 79 of the textbook entitled the Islamic Education for Ninth Grade, the book outlines lessons to be learned by the students. Specifically, it says ''One must beware of the Jews, for they are treacherous and disloyal.'' The book goes on to say on page 94, ''one must beware of civil war, which the Jews try to incite, and of scheming against the Muslims.'' Reinforcing this message, students read on page 182, ''The Jews . . . have killed and evicted Muslim and Christian inhabitants of Palestine, whose inhabitants are still suffering oppression and persecution under racist Jewish Administration.''

Another textbook, the Islamic Religious Education for Fourth Grade, on page 44, states ''. . . the Jews—as is their way—do not want people to live in peace. . .'' In the Reader and Literary Texts for Eighth Grade, on pages

96 through 99, students are taught ''The Jews have clear greedy designs on Jerusalem.'' Students are then asked to think about the following question: ''What can we do to rescue Jerusalem and to liberate it from the thieving enemy. . .?'' The authors of these textbooks clearly intended not to foster an environment of trust between the Palestinian people and their Jewish neighbors. Without a foundation of trust in the hearts and minds of the Palestinian people, the peace process is doomed to failure.

The school books also include lessons equating Zionism with Nazism, Fascism, and racism. For example, the textbook entitled The Contemporary History of the Arabs and the World, on page 123, states ''The clearest examples of racist belief and racial discrimination in the world are Nazism and Zionism.'' Lessons such as this one are clearly not intended to support peace between the Palestinians and Israelis.

More alarmingly, in addition to anti-Semitic material, these textbooks also teach children to pursue violence and the destruction of Israel. The calls to fight and eliminate Israel through Jihad, holy war, and martyrdom for Allah, appear frequently in the school textbooks. The need to fight Israel is portrayed as a religious imperative in the books.

For example, a fifth grade textbook, Our Arabic Language for Fifth Grade on page 69 and 70, teaches children that ''there will be a Jihad and our country shall be freed. This is our story with the thieving conquerors. You must know, my boy, that Palestine is your grave responsibility.'' The book also teaches children to ''remember: The Arabs and the Muslims are fighting the Jews who fought against them and oppressed them and drove them from their homes unjustly. The final and inevitable result will be the victory of the Muslims over the Jews.''

The violent message continues in the seventh grade textbook, Islamic Education for Seventh Grade, on page 108, which states ''if the enemy has conquered part of its land and those fighting for it are unable to repel the enemy, then Jihad becomes the individual religious duty of every Muslim man and woman, until the attack is successfully repulsed and the land liberated from conquest and to defend Muslim honor. . .''.

In addition to lessons on Jihad, students are instructed to adopt hostile attitudes on a particularly divisive topic—their responsibility regarding holy sites. The seventh grade textbook, Islamic Education for Seventh Grade, on page 184, states ''Muslims must protect all mosques. . . They must devote all their efforts and resources to repairing them and to protecting them and must wage a Jihad both of life and property to liberate al-Aqsa Mosque from the Zionist conquest.'' The inflammatory language is also included on page 50, ''The Muslim connects the holiness of al-Aqsa Mosque, and its precincts, with the holiness of the 'Sacred Mosque' and Mecca. Therefore, any aggression against one is an aggression against the other and to defend them is to defend Islam. Disregard of the duty in respect of them is a crime for which Allah will punish every believer in Allah and His Prophet.'' The aggressive message clearly encourages the violence which is currently taking place in the Middle East.

The same seventh grade book also teaches children to fight and conquer Israel's capital, Jerusalem. For example, the book contains a composition question which asks: ''How are we going to liberate our stolen land? Make use of the following ideas: Arab unity, genuine faith in Allah, most modern weapons and ammunition, using oil and other precious natural resources as weapons in the battle for liberation.'' It is this type of violent message which leads young children to take to the streets and engage in stone-throwing and other violence.

However, this message is not limited to schoolbooks. The same hateful portrayal of Jews and Israel found in the school books is promoted regularly on Palestinian Television, which is also under direct control of the Palestinian Authority. For example, on May 14, 1998, Palestinian television broadcast statements such as ''The Jewish gangs waged racial cleansing wars against innocent Palestinians . . . large scale appalling massacres saving no women or children.'' On May 14, 1998, Zionism was presented as ''a cancer in the body of the nation.''

Palestinian television broadcasts a continuous flow of violent images with messages glorifying the children in the streets as martyrs participating in Jihad. For example, television stations around the world broadcast the image of Muhammad al-Durrah, the twelve year old boy who was killed while his father tried to shield him from the crossfire on September 30, 2000. However, the image of the young man, who had no intention when he left his house that day to become a martyr, was instantly the symbol used by Palestinian television of the continued victimization of the Palestinian people at the hands of the so-called Israeli ''occupiers.''

By continually referring to the occupation of their land, Palestinian television refuses to acknowledge the legitimacy of Israel. On May 19, 1998, Palestinian television reported '' . . . the war of 1948 brought about the establishment of the Zionist entity on Palestinian land.'' The television broadcasts also declared in May 1998: ''This is our Palestine. We defend it with blood.''

The hate-filled broadcasts further reinforce the anti-Israel and anti-Semitic messages found in the school textbooks and explicitly aim to incite violence. We cannot tolerate this behavior by a society that claims to be committed to pursuing the peace process. These teachings send a direct message to young children to pursue violence and the destruction of Israel, and the message appears to be reaching the children.

On October 6, 2000, the New York Times reported on Muhammad Ibrahim, a Palestinian teenager engaged in the current violence in the streets. Muhammad joins his young friends on the streets and throws stones at Israeli soldiers, even though his father asked him ''not to go down that road'' and telling him ''we do not need another generation of victims.'' When asked why he engaged in the stone throwing, Muhammad plainly stated, ''You want to express your anger. You know your stone might not hit an Israeli soldier or might not even hurt him. But you want to feel you've done something for the homeland.'' Muhammad made clear where he learned these lessons when he said, ''I was raised with stories of how they kicked us off our land.'' The young people out on the streets today throwing stones have been raised on anti-Israel and anti-Semitic stories, which is formally reinforced in the textbooks used in the schools in the West Bank and Gaza and the television and radio broadcasts. If there is any hope for lasting peace in the region, the next generation of leaders must not be raised on lessons of hatred and violence.

In signing the 1995 Interim Agreement on the West Bank and Gaza, the Israeli government and the Palestinian Authority agreed to use their respective educational systems to support the peace process. Specifically, Article XXII of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 1995 declares that Israel and the Palestinian Authority will ''ensure that their respective educational systems contribute to the peace between the Israeli and Palestinian peoples and to peace in the entire region, and will refrain from the introduction of any motifs that could adversely affect the process of reconciliation.'' The Palestinian Authority should be held to the commitments made in the peace process, not the least of which is to educate the young people of the West Bank and Gaza with a curriculum that will contribute to peace between the Israeli and Palestinian peoples.

The United States provides assistance to the region in support of the peace process, and it is imperative to condition this assistance upon the fulfillment of the commitments made to bring peace to the region. While the United States has not given aid directly to the Palestinian Authority since 1995, in fiscal year 2000 the United States allocated $485 million in development assistance to non-governmental organizations working in the West Bank and Gaza, including funds for educational programs. It is of the utmost importance that the United States conditions any aid to the Palestinian Authority on their commitment

to the peace process, which must be demonstrated by the removal of the anti-Semitic and anti-Israel material from their textbooks and radio and television broadcasts.

It is also imperative that the United States urge our allies to condition their aid to the Palestinian Authority on this issue. Between 1995 and 1998 international aid provided by twenty-one countries and four international organizations provided $226.9 million to educational projects in the Palestinian Territories. Between 1993 and 1999, the international community pledged a total of $5.7 billion in assistance for the West Bank and Gaza, and over $2.7 billion was disbursed by the end of 1999 according to the World Bank. From 1994 to 1999, the European Community committed over $600 million. Recently, on December 6, 2000, the World Bank also agreed to a grant to the Palestinian Authority in the amount of $12 million.

The assistance to the Palestinian Authority, whether through international institutions or our allies, must include conditions which will compel the Palestinian Authority to remove this unacceptable material from the textbooks and the broadcast media. The assistance is given to the Palestinian Authority with the intent to support peace in the region, and therefore, the aid should be conditioned on the removal of material which undermines the peace process from the Palestinian educational system and broadcast media. I urge my colleagues to join me in supporting this legislation which sends a clear signal to the Palestinian Authority that the use of anti-Semitic and anti-Israel material in their schools and television and radio broadcasts will not be tolerated.

Mr. President, I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION I. FINDINGS.

Congress makes the following findings:

(1) Today in the West Bank and Gaza, textbooks used in Palestinian schools are teaching hatred towards Jews and the incitement towards violence.

(2) Article XXII of the Israeli-Palestinian Interim Agreement of the West Bank and the Gaza Strip of 1995 declares that Israel and the Palestinian Authority will ''ensure that their respective educational systems contribute to the peace between the Israeli and Palestinian peoples and to peace in the entire region, and will refrain from the introduction of any motifs that could adversely affect the process of reconciliation''.

(3) As a result of the Oslo Accords, the responsibility for education in the West Bank and Gaza was transferred from the Government of Israel to the Palestinian Ministry of Education.

(4) Since the early 1950s, Palestinian schools in the West Bank have used Jordanian textbooks and the schools in Gaza used Egyptian textbooks, but when these areas were under the control of the Israeli government, anti-Semitic and anti-Israel content was removed from the school books.

(5) While beginning to develop their own curriculum, the Palestinian Ministry of Education continued to use Egyptian and Jordanian books, but failed to remove the anti-Israel and anti-Semitic content.

(6) The Palestinian Ministry of Education directly supervised the production of new textbooks which are now used in schools in the West Bank and Gaza.

(7) The new textbooks contain anti-Semitic and anti-Israel content, and the Israeli government no longer has the authority to change the content of the textbooks.

(8) Palestinian Authority school children are actively taught that the Jews and Israel are the enemy in a broad range of contexts, and for example, page 79 of the Islamic Education for Ninth Grade reads, ''One must beware of the Jews, for they are treacherous and disloyal''.

(9) The Islamic Education for Ninth Grade also instructs that ''one must beware of civil war which the Jews try to incite, scheming against the Muslims,'' on page 94.

(10) On page 182, the text of the Islamic Education for Ninth Grade reads ''The Jews—have killed and evicted Muslim and Christian inhabitants of Palestine, whose inhabitants are still suffering oppression and persecution under racist Jewish administration.''

(11) The Islamic Religious Education for the Fourth Grade teaches students on page 44, ''. . . the Jews—as is their way—do not want people to live in peace.''

(12) The books include lessons equating Zionism with Nazism, Fascism, and racism, and for example, The Contemporary History of Arabs and the World, on page 123, states ''The clearest examples of racist belief and racial discrimination in the world are Nazism and Zionism.''

(13) Islamic Education for the Fourth Grade teaches children ''the Jews are the enemies'' on page 67.

(14) The new textbooks do not acknowledge the State of Israel, but rather the creation of Israel is explained as the Israeli occupation of 1948.

(15) All the maps of ''Palestine'', be they political, historical, geographical, or natural resource maps in the textbooks, erase mention of Israel.

(16) The calls to fight and eliminate Israel through Jihad (Holy War) and Martyrdom for Allah, appear frequently in the school books.

(17) In addition there is a separate recurring theme: the children are taught to fight and conquer Israel's capital, Jerusalem, and for example, the book Islamic Education for Seventh Grade asks: ''How are we going to liberate our stolen land? Make use of the following ideas: Arab unity, genuine faith in Allah, most modern weapons and ammunition, using oil and other precious natural resources as weapons in the battle for liberation'' on page 15.

(18) The need to fight Israel, all of which is said to be on ''occupied Arab Land'' becomes a religious imperative, with teachings like the following from Islamic Education for Seventh Grade, page 108:''if the enemy has conquered part of its land and those fighting for it are unable to repel the enemy, then Jihad becomes the individual religious duty of every Muslim man and woman, until the attack is successfully repulsed and the land liberated from conquest and to defend Muslim honor. . ''.

(19) The same message appears in the fifth grade text Our Arabic Language for Fifth Grade on pages 69 and 70, ''there will be a Jihad and our country shall be freed. This is our story with the thieving conquerors. You must know, my boy, that Palestine is your grave responsibility.

(20) Children are specifically taught to protect all mosques, and for example, Islamic Education for the Seventh Grade instructs students that ''they must devote all their efforts and resources to repairing them and to protecting them and must wage a Jihad both of life and property to liberate al-Aqsa Mosque from the Zionist conquest'' on page 184.

(21) Palestinian Authority television is under direct control of the Palestinian Authority.

(22) The same hateful portrayal of Jews and Israel found in the school books is promoted regularly on Palestinian television, and for example, on May 14, 1998, Palestinian television broadcast statements such as ''The Jewish gangs waged racial cleansing wars against innocent Palestinians. . . large scale appalling massacres saving no women or children''.

(23) Also, radio and television broadcasts made by publicly funded facilities in the Palestinian Authority-controlled areas of the West Bank and Gaza include programs having an anti-Semitic, anti-Israel content.

(24) On May 14, 1998, on Palestinian Television Zionism was presented as ''a cancer in the body of the nation.''

(25) The Palestinian Television also refuses to acknowledge the state of Israel, and broadcast in May 1998, ''the war of 1948 brought about the establishment of the Zionist entity on Palestinian land.''

(26) The message of Jihad is also conveyed on the Palestinian Television, and for example, the broadcasts declared in May 1998, ''This is our Palestine. We defend it with blood.''

(27) While the United States has not given aid directly to the Palestinian Authority since 1995, in fiscal year 2000 the United States allocated $485 million in development assistance to non-governmental organizations working in the West Bank and Gaza, including funds for education programs.

(28) Between 1995 and 1998 international aid provided by 21 countries and 4 international organizations provided $226.9 million to educational projects in the Palestinian Territories..

(29) From 1994 to 1999, the European Community committed over $600 million in assistance to the Palestinian Territories, including funds for education programs.

SEC. 2. RESTRICTION ON ASSISTANCE.

(a) RESTRICTION.—No assistance shall be provided to the Palestinian Authority unless and until the President certifies to Congress that the Palestinian Authority has removed the anti-Semitic, anti-Israel content included in the textbooks used in schools, and radio and television broadcasts made by publicly funded facilities, in the Palestinian Authority-controlled areas of the West Bank and Gaza.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should urge allies of the United States to apply an equivalent restriction on assistance as described in subsection (a).

Mr. BINGAMAN:

S. 3282. A bill to authorize funding for University Nuclear Science and Engineering Programs at the Department of Energy for fiscal years 2002 through 2006; to the Committee on Energy and Natural Resources.

DEPARTMENT OF ENERGY UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING ACT

Mr. BINGAMAN. Mr. President. I rise today to introduce a bill authorizing

the Secretary of Energy to provide for the Office of Nuclear Science and Technology to reverse a serious decline in our nation's educational capability to produce future nuclear scientists and engineers. Let me outline how serious this decline is, after doing so I will outline its impact on our nation and then discuss how this bill attempts to remedy this situation.

As of this year, the supply of four-year trained nuclear scientists and engineers is at a 35-year low. The number of four-year programs across our nation to train future nuclear scientists has declined to approximately 25—a 50 percent reduction since about 1970. Two-thirds of the nuclear science and engineering faculty are over age 45 with little if any ability to draw new and young talent to replace them. Universities across the United States cannot afford to maintain their small research reactors forcing their closure at an alarming rate. This year there are only 28 operating research and training reactors, over a 50 percent decline since 1980. Most if not all of these reactors were built in the late 1950's and early 60's and were licensed initially for 30 to 40 years. As a result, within the next five years the majority of these 28 reactors will have to be relicensed. Relicensing is a long, lengthy process which most universities cannot and will not afford. Interestingly, the employment demand for nuclear scientists and engineers exceeds our nation's ability to supply them. This year, the demand exceeded supply by 350, by 2003 it will be over 400.

These human resource and educational infrastructure problems are serious. The decline in a competently trained nuclear workforce affects a broad range of national issues.

We need nuclear engineers and health physicists to help design, safely dispose and monitor nuclear waste, both civilian and military.

We rely on nuclear physicists and scientists in the field of nuclear medicine to develop radio isotopes for the thousands of medical procedures performed everyday across our nation—to help save lives.

We must continue to operate and safely maintain our existing supply of fission reactors and respond to any future nuclear crisis worldwide—it takes nuclear scientists, engineers and health physicists to do that.

Our national security and treaty commitments rely on nuclear scientists to help stem the proliferation of nuclear weapons whether in our national laboratories or as part of worldwide inspection teams in such places as Iraq. Nuclear scientists are needed to convert existing reactors worldwide from highly enriched to low enriched fuels.

Nuclear engineers and health physicists are needed to design, operate and maintain future Naval Reactors. The Navy by itself cannot train students for their four year degrees—they only provide advance postgraduate training on their reactor's operation.

Basically, we are looking at the potential loss of a 50 year investment in a field which our nation started and leads the world in. What is worse, this loss is a downward self-feeding spiral. Poor departments cannot attract bright students and bright students will not carry on the needed cutting edge research that leads to promising young faculty members. Our system of nuclear education and training, in which we used to lead the world, is literally imploding upon itself.

I've laid out in this bill some proposals that I hope will seed a national debate in the upcoming 107th Congress on what we as a nation need to do to help solve this very serious problem. It is not a perfect bill, but I think it should start the ball rolling. I welcome all forms of bipartisan input on it. My staff has worked from consensus reports from the scientific community developed by the Nuclear Energy Advisory Committee to the Department of Energy's Office of Nuclear Science and Technology, in particular its Subcommittee on Education and Training. The report is available on the Office's website. I encourage everyone to read and look at these startling statistics.

Here is an outline of what is in the bill.

First and foremost, we need to concentrate on attracting good undergraduate students to the nuclear sciences. I have proposed enhancing the current program which provides fellowships to graduate students and extends that to undergraduate students.

Second, we need to attract new and young faculty. I've proposed a Junior Faculty Research Initiation Grant Program which is similar to the NSF programs targeted only towards supporting new faculty during the first 5 years of their career at a university. These first five years are critical years that either make or break new faculty.

Third, I've proposed enhancing the Office's Nuclear Engineering Education and Research Program. This program is critical to university faculty and graduate students by supporting only the most fundamental research in nuclear science and engineering. These fundamental programs ultimately will strengthen our industrial base and over all economic competitiveness.

Fourth, I've strengthened the Office's applied nuclear science program by ensuring that universities play an important role in collaboration with the national labs and industry. This collaboration is the most basic form of tech transfer, it is face-to-face contact and networking between faculty, students and the applied world of research and industry. This program will ensure a transition between the student and their future employer.

Finally, I've strengthened what I consider the most crucial element of this program—ensuring that future generations of students and professors have well maintained research reactors.

I've proposed to increase the funding levels for refueling and upgrading academic reactor instrumentation.

I propose to start a new program whereby faculty can apply for reactor research and training awards to provide for reactor improvements.

I have proposed a novel program whereby as part of a student's undergraduate and graduate thesis project, they help work on the re-licensing of their own research reactors. This program must be in collaboration with industry which already has ample experience in relicensing. Such a program will once again provide face-to-face networking and training between student, teacher and ultimately their employer.

I have proposed a fellowship program whereby faculty can take their sabbatical year at a DOE laboratory. Under this program DOE laboratory staff can co-teach university courses and give extended seminars. This program also provides for part time employment of students at the DOE labs—we are talking about bringing in new and young talent.

In making all of these proposals, let me emphasize that each one of these programs I have described is intended to be peer reviewed and to have awards made strictly on merit of the proposals submitted. This program is not a hand out. Each element that I am proposing requires that faculty innovate and compete for these funds. If they do not win, then their reactors will simply be shut down by their institutions.

I have outlined a very serious problem that if not corrected now will cost far more to correct later on. If the program I have outlined is implemented, then it will strengthen our reputation as a leader in the nuclear sciences, strengthen our national security and our ability to compete in the world market place.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as ''Department of Energy University Nuclear Science and Engineering Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) U.S. university nuclear science and engineering programs are in a state of serious decline. The supply of bachelor degree nuclear science and engineering personnel in the United States is at a 35-year low. The number of four year degree nuclear engineering programs has declined 50 percent to approximately 25 programs nationwide. Over two-thirds of the faculty in these programs are 45 years or older.

(2) Universities cannot afford to support their research and training reactors. Since 1980, the number of small training reactors in the United States have declined by over 50 percent to 28 reactors. Most of these reactors

were built in the late 1950s and 1960s with 30- to 40-year operating licenses, and will require re-licensing in the next several years.

(3) The neglect in human investment and training infrastructure is affecting 50 years of national R&D investment. The decline in a competent nuclear workforce, and the lack of adequately trained nuclear scientists and engineers, will affect the ability of the United States to solve future waste storage issues, maintain basic nuclear health physics programs, operate existing fission reactors in the United States, respond to future nuclear events worldwide, help stem the proliferation of nuclear weapons, and design and operate naval nuclear reactors.

(4) Further neglect in the nation's investment in human resources for the nuclear sciences will lead to a downward spiral. As the number of nuclear science departments shrink, faculties age, and training reactors close, the appeal of nuclear science will be lost to future generations of students.

(5) The Department of Energy's Office of Nuclear Science and Technology is well suited to help maintain tomorrow's human resource and training investment in the nuclear sciences. Through its support of research and development pursuant to the Department's statutory authorities, the Office of Nuclear Science and Technology is the principal federal agent for civilian research in the nuclear sciences for the United States. The Office maintains the Nuclear Engineering and Education Research Program which funds basic nuclear science and engineering. The Office funds the Nuclear Energy and Research Initiative which funds applied collaborative research among universities, industry and national laboratories in the areas of proliferation resistant fuel cycles and future fission power systems. The Office funds Universities to refuel training reactors from highly enriched to low enriched proliferation tolerant fuels, performs instrumentation upgrades and maintains a program of student fellowships for nuclear science, engineering and health physics.

SEC. 3. DEPARTMENT OF ENERGY PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, through the Office of Nuclear Science and Technology, shall support a program to maintain the nation's human resource investment and infrastructure in the nuclear sciences and engineering consistent with the Department's statutory authorities related to civilian nuclear research and development.

(b) DUTIES OF THE OFFICE OF NUCLEAR SCIENCE AND TECHNOLOGY.—In carrying out the program under this Act, the Director of the Office of Nuclear Science and Technology shall—

(1) develop a robust graduate and undergraduate fellowship program to attract new and talented students;

(2) assist universities in recruiting and retaining new faculty in the nuclear sciences and engineering through a Junior Faculty Research Initiation Grant Program;

(3) maintain a robust investment in the fundamental nuclear sciences and engineering through the Nuclear Engineering Education Research Program;

(4) encourage collaborative nuclear research between industry, national laboratories and universities through the Nuclear Energy Research Initiative; and

(5) support communication and outreach related to nuclear science and engineering.

(c) MAINTAINING UNIVERSITY RESEARCH AND TRAINING REACTORS AND ASSOCIATED INFRASTRUCTURE.—Within the funds authorized to be appropriated pursuant to this Act, the amounts specified under section 4(b) shall, subject to appropriations, be available for the following research and training reactor infrastructure maintenance and research:

(1) Refueling of research reactors with low enriched fuels, upgrade of operational instrumentation, and sharing of reactors among universities.

(2) In collaboration with the U.S. nuclear industry, assistance, where necessary, in relicensing and upgrading training reactors as part of a student training program.

(3) A reactor research and training award program that provides for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) UNIVERSITY-DOE LABORATORY INTERACTIONS.—The Secretary of Energy, through the Office of Nuclear Science and Technology, shall develop—

(1) a sabbatical fellowship program for university professors to spend extended periods of time at Department of Energy laboratories in the areas of nuclear science; and

(2) a visiting scientist program in which laboratory staff can spend time in academic nuclear science and engineering departments.

The Secretary shall also provide for fellowships for students to spend time at Department of Energy laboratories in the area of nuclear science.

(e) MERIT REVIEW REQUIRED.—All grants, contracts, cooperative agreements, or other financial assistance awards under this Act shall be made only after independent merit review.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) TOTAL AUTHORIZATION.—The following sums are authorized to be appropriated to the Secretary of Energy, to remain available until expended, for the purposes of carrying out this Act:

(1) $44,200,000 for fiscal year 2002.
(2) $56,450,000 for fiscal year 2003.
(3) $63,100,000 for fiscal year 2004.
(4) $61,100,000 for fiscal year 2005.
(5) $71,700,000 for fiscal year 2006.

(b) GRADUATE AND UNDERGRADUATE FELLOWSHIPS.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(1):

(1) $5,000,000 for fiscal year 2002.
(2) $5,100,000 for fiscal year 2003.
(3) $5,200,000 for fiscal year 2004.
(4) $5,200,000 for fiscal year 2005.
(5) $5,200,000 for fiscal year 2006.

(c) JUNIOR FACULTY RESEARCH INITIATION GRANT PROGRAM.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(2):

(1) $10,000,000 for fiscal year 2002.
(2) $11,000,000 for fiscal year 2003.
(3) $11,500,000 for fiscal year 2004.
(4) $11,500,000 for fiscal year 2005.
(5) $11,500,000 for fiscal year 2006.

(d) NUCLEAR ENGINEERING AND EDUCATION RESEARCH PROGRAM.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(3):

(1) $10,000,000 for fiscal year 2002.
(2) $15,000,000 for fiscal year 2003.
(3) $20,000,000 for fiscal year 2004.
(4) $21,000,000 for fiscal year 2005.
(5) $22,000,000 for fiscal year 2006.

(e) COMMUNICATION AND OUTREACH RELATED TO NUCLEAR SCIENCE AND ENGINEERING.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(5):

(1) $200,000 for fiscal year 2002.
(2) $250,000 for fiscal year 2003.
(3) $300,000 for fiscal year 2004.
(4) $300,000 for fiscal year 2005.
(5) $300,000 for fiscal year 2006.

(f) REFUELING OF RESEARCH REACTORS AND INSTRUMENTATION UPGRADES.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(1):

(1) $6,000,000 for fiscal year 2002.
(2) $6,500,000 for fiscal year 2003.
(3) $7,000,000 for fiscal year 2004.
(4) $7,000,000 for fiscal year 2005.
(5) $7,000,000 for fiscal year 2006.

(g) RE-LICENSING ASSISTANCE.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(2):

(1) $2,000,000 for fiscal year 2002.
(2) $2,500,000 for fiscal year 2003.
(3) $3,000,000 for fiscal year 2004.
(4) $3,000,000 for fiscal year 2005.
(5) $4,500,000 for fiscal year 2006.

(h) REACTOR RESEARCH AND TRAINING AWARD PROGRAM.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(3);

(1) $10,000,000 for fiscal year 2002.
(2) $15,000,000 for fiscal year 2003.
(3) $15,000,000 for fiscal year 2004.
(4) $17,000,000 for fiscal year 2005.
(5) $20,000,000 for fiscal year 2006.

(i) UNIVERSITY-DOE LABORATORY INTERACTIONS.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(d).

(1) $1,000,000 for fiscal year 2002.
(2) $1,100,000 for fiscal year 2003.
(3) $1,100,000 for fiscal year 2004.
(4) $1,100,000 for fiscal year 2005.
(5) $1,200,000 for fiscal year 2006.

By Mr. LUGAR (for himself, Mr. GRAMM, Mr. HARKIN, Mr. FITZGERALD, Mr. HAGEL, and Mr. JOHNSON):

S. 3283. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systematic risk in markets for futures and over-the-counter derivatives, and for other purposes; read the first time.

THE COMMODITY FUTURES MODERNIZATION ACT OF 2000

Mr. LUGAR. Mr. President, I am pleased to rise today with Senators GRAMM, HARKIN, FITZGERALD, HAGEL, and JOHNSON to re-introduce the Commodity Futures Modernization Act of 2000. This legislation is the Senate companion to H.R. 5660, which Congressman THOMAS EWING introduced yesterday in the House of Representatives and which will be enacted as part of the final appropriations package today. This monumental legislation is the culmination of two years worth of hearings and hard-fought negotiations, but I am confident that the resulting legislation will greatly benefit the U.S. financial industry. I commend all the Members and staff who have contributed to this bill. In particular, I want to applaud Senator GRAMM, Congressman EWING and Senator FITZGERALD for their stewardship and determination in helping pass a bill this year. Its enactment would not have occurred without their efforts. I also want to recognize Treasury Secretary Summers, Commodity Futures Trading Commission, CFTC, Chairman Bill Rainer and Securities and Exchange Commission, SEC, Chairman Arthur Levitt as well as their staffs, who have played a pivotal role in bringing this bill together and garnering support for its passage.

This bill, which re-authorizes the Commodity Exchange Act for five

years, would reform our financial and derivatives laws in five primary ways. First, it would incorporate the unanimous recommendations of the President's Working Group on Financial Markets on the proper legal and regulatory treatment of over-the-counter, OTC, derivatives. Second, it would codify the regulatory relief proposal of the CFTC to ensure that futures exchanges are appropriately regulated and remain competitive. Third, this legislation would repeal the Shad-Johnson jurisdictional accord, which banned single stock futures 18 years ago. Fourth, this legislation provides certainty that products offered by banking institutions will not be regulated as futures contracts. Finally, this bill provides legal certainty for institutional equity swaps by providing the SEC with express but limited authorities over these instruments.

Derivative instruments, both those that are exchange-traded and traded over-the-counter, have played a significant role in our economy's current expansion due to their innovative nature and risk-transferring attributes. The global derivatives market has a notional value that now exceeds $90 trillion. Identified by Federal Reserve Chairman Alan Greenspan as the most significant event in finance of the past decade, the development of the derivatives market has substantially added to the productivity and wealth of our nation.

Derivatives enable companies to unbundle and transfer risk to those entities who are willing and able to accept it. By doing so, efficiency is enhanced as firms are able to concentrate on their core business objective. A farmer can purchase a futures contract, one type of derivative, in order to lock in a price for his crop at harvest. Likewise, automobile manufacturers whose profits earned overseas can fluctuate with changes in currency values, can minimize this uncertainty through derivatives, allowing them to focus on the business of building cars. Banks significantly lessen their exposure to interest rate movements by entering into derivatives contracts known as swaps, which enable these institutions to hedge their risk by exchanging variable and fixed rates of interests.

Signed into law in 1974, the Commodity Exchange Act, CEA, requires that futures contracts be traded on a regulated exchange. As a result, a futures contract that is traded off an exchange is illegal and unenforceable. When Congress enacted the CEA and authorized the CFTC to enforce it, this was not a concern. The meanings of ''futures'' and ''exchange'' were relatively apparent. Furthermore, the over-the-counter derivatives business was in its infancy. However, in the 26 years since the statute's enactment, the OTC swaps and derivatives market, sparked by innovation and technology, has significantly outpaced the exchange-traded futures markets. Thus the definitions of a swap and a future began to blur.

In 1998, the CFTC issued a document containing a concept release regarding OTC derivatives, which was perceived by many as a precursor to regulating these instruments as futures. Just the threat of reaching this conclusion could have had considerable ramifications, given the size and importance of the OTC market. The legal uncertainty interjected by this dispute jeopardized the entirety of the OTC market and threatened to move significant portions of the business overseas. If we were to lose this market, most likely to London, it would take years to bring it back to U.S. soil. The resulting loss of business and jobs would be immeasurable.

This threat led the Treasury Department, the Federal Reserve, and the SEC to oppose the concept release and request that Congress enact a moratorium on the CFTC's ability to regulate these instruments until after the President's Working Group could complete a study on the issue. As a result, Congress passed a six-month moratorium on the CFTC's ability to regulate over-the-counter derivatives. Despite reservations, I supported this moratorium because it brought legal assurance to this skittish market and it allowed the Working Group time to develop recommendations on the most appropriate legal treatment of OTC derivatives. In November 1999, the President's Working Group completed its unanimous recommendations on OTC derivatives and presented Congress with these findings. These recommendations remain the cornerstone of our bill.

Our bill contains several mechanisms for ensuring that legal certainty is attained and that certain transactions remain outside the Commodity Exchange Act. The first, the electronic trading facility exclusion, would exclude transactions in financial commodities from the Act if conducted: (1) on a principal to principal basis; (2) between institutions or sophisticated persons with high net worth; and (3) on an electronic trading facility. The second would exclude these transactions if (1) they are conducted between institutions or sophisticated persons with high net worth; and (2) they are not on a trading facility.

These exclusions attempt to address the advent of electronic trading and the changing and innovating nature of the financial industry. Indeed, we are keenly aware that there are newly emerging electronic systems that provide for the electronic negotiation of swaps agreements between and among large banks and other sophisticated major financial institutions acting as dealers. We do not intend for these systems to come within the definition of trading facilities.

The third exclusion clarifies the Treasury Amendment language already contained in the CEA. It would exclude all transactions in foreign currency and government securities from the Act unless those transactions are futures contracts and traded on an organized exchange. As recommended by the Working Group, the bill would give the CFTC jurisdiction over non-regulated off-exchange retail transactions in foreign currency. Another important recommendation of the PWG was to authorize futures clearing facilities to clear OTC derivatives in an effort to lessen systemic risk and this bill incorporates this finding.

As part of the legal certainty provisions, this legislation also addresses the concern that excluding OTC derivatives from the futures laws will cause these products to be fully regulated as securities. With Senator GRAMM's leadership, this legislation adopts language that would provide the SEC with limited authority over institutional swaps for fraud, manipulation and insider trading. This language will help to provide the legal certainty that these institutional transactions lack under current law.

Title four of this bill also provides legal certainty for banking products. Senator GRAMM has appropriately raised the concern that traditional banking products should not be subject to the CEA. This language provides an exclusion for traditional banking products as well as hybrid products that are predominantly banking in nature. New products offered by banks that are not in existence on December 5, 2000, or are otherwise not excluded from the CEA would fall under a ''jump ball'' provision of the bill. This section provides a mechanism for the CFTC and the Federal Reserve to determine whether a new non-traditional product offered by a bank should be regulated under the banking laws or the futures laws.

The second major section of this legislation addresses regulatory relief. In February of this year, the CFTC issued a regulatory relief proposal that would provide relief to futures exchanges and their customers. Instead of listing specific requirements for complying with the CEA, the proposal would require exchanges to meet internationally agreed-upon core principals. The CFTC proposal creates tiers of regulation for exchanges based on whether the underlying commodities being traded are susceptible to manipulation or whether the users of the exchange are limited to institutional customers. Unsure of whether this legislation would be enacted, the CFTC went ahead and finalized its regulatory relief proposal on November 20, 2000.

When enacted, this legislation will largely incorporate the CFTC's framework. A board of trade that is designated as a contract market would receive the highest level of regulation due to the fact that these products are susceptible to manipulation or are offered to retail customers. Futures on agricultural commodities would fall into this category. This bill also sets out that in lieu of contract market designation, a board of trade may register as a Derivatives Transaction Execution

Facility, DTEF, if the products being offered are not susceptible to manipulation and are traded among institutional customers or retail customers who use large Futures Commission Merchants, FCMs, who are members of a clearing facility.

Also, a board of trade may choose to be an Exempt Board of Trade, XBOT, and not be subject to the Act (except for the CFTC's anti-manipulation authority) if the products being offered are traded among institutional customers only (absolutely no retail) and the instruments are not susceptible to manipulation. Our bill would allow a board of trade that is a DTEF or an XBOT to opt to trade derivatives that are otherwise excluded from the Act on these facilities and to the extent that these products are traded on these facilities, the CFTC would have exclusive jurisdiction over them. With this provision, the intent is to provide these facilities that trade derivatives with a choice—if regulation is beneficial, the facility may choose to be regulated. If not, the facility may choose to be excluded or exempted from the Act.

By refraining from altering certain sections of the Act, this legislation reaffirms the importance of specific authorities granted the CFTC, including its anti-fraud and anti-manipulation powers. Section 4b is the principal anti-fraud provision of the Act and the Commission has consistently used Section 4b to combat fraudulent conduct by bucket shops and boiler rooms that entered into transactions directly with their customers and thus did not involve a traditional broker-client type of relationship. There have been cases involving the fraudulent sale of illegal precious metals futures contracts marketed as cash-forward transactions (*CFTC* v. *P.I.E., Inc.*, 853 F.2d 721 (9th Cir. 1988)) as well as cases involving boiler room operations fraudulently selling illegal precious metals contracts to members of the general public. (*CFTC* v. *Wellington Precious Metals, Inc.*, 950 F.2d 1525 (11th Cir.), cert. denied, 113 S. Ct. 66 (1992)). This reaffirmation is consistent with both Congress' understanding of and past Congressional amendments to Section 4b that confirmed the applicability of Section 4b to fraudulent boiler rooms and bucket shops that enter into transactions directly with their customers.

It is the intent of Congress in retaining Section 4b of the Act that the provision not be limited to fiduciary, broker/customer or other agency-like relationships. Section 4b provides the Commission with broad authority to police fraudulent conduct within its jurisdiction, whether occurring in boiler rooms and bucket shops, or in the e-commerce markets that will develop under this new statutory framework.

The bill's last section addresses the Shad-Johnson jurisdictional accord. In 1982, SEC Chairman John Shad and CFTC Chairman Phil Johnson reached an agreement on dividing jurisdiction between the agencies for those products that had characteristics of both securities and futures. Known as the Shad-Johnson Accord, this agreement prohibited single stock futures and delineated jurisdiction between the SEC and the CFTC on stock index futures.

Meant as a temporary agreement, many have suggested that the Shad-Johnson accord should be repealed. The President's Working Group unanimously agreed that the Accord should be repealed if regulatory disparities are resolved between the regulation of futures and securities. In March 2000, the General Accounting Office released a report that found that there is no legitimate policy reason for maintaining the ban on single stock futures since these products are being traded in foreign markets, in the OTC market, and synthetically in the options markets. Chairman GRAMM and I sent a letter requesting the CFTC and the SEC to make recommendations on reforming the Shad-Johnson ban. On September 14, 2000, the SEC and CFTC reached an agreement on the proper regulatory treatment of these instruments, and we have incorporated this agreement into our legislation.

Under the legislation, the SEC and the CFTC would jointly regulate the market for single stock futures and narrow-based stock index futures. These products will be allowed to trade on both futures and securities exchanges. Single stock futures and narrow-based stock index futures (i.e., security futures) would be statutorily defined as both securities and futures, allowing the agencies the authority to regulate these instruments. However, to avoid redundancy, our legislation exempts these products from a series of regulations and requirements under both the securities and futures laws.

Margin levels, listing standards, and other key trading practices would be jointly supervised by the SEC and CFTC. At the outset, margin levels for security futures products could not be lower than comparable margin levels required in the options markets. The tax treatment of these products would be comparable to the tax treatment of options on securities to ensure a level playing field between the markets.

Futures on broad-based indices would be under the exclusive jurisdiction of the CFTC. The agreement sets out a ''bright-line'' formula for determining when an index is broad-based using the number and weighting of the securities contained in the index. This formula would allow a broad-based index to contain as few as 9 securities.

The goal of this legislation is to ensure that the United States remains a global leader in the derivatives marketplace and that these markets are appropriately and effectively regulated. I believe that this legislation meets these objectives while ensuring that the public's interest in the financial markets is protected.

This long legislative journey began two years ago when the Senate and House Agriculture Committees held a two day roundtable, in which distinguished individuals from the financial community participated. One of those individuals was Merton H. Miller, the Nobel Prize winning professor of economics from the University of Chicago, who passed away this summer. Professor Miller, known for his disarming sense of humor, his plain-spokenness and his generosity, is dearly missed by his family, friends and colleagues. The impact of his death has been particularly hard felt by the community of friends at the Chicago futures markets. Professor Miller was the primary intellectual force behind the development of the modern financial futures market and a staunch defender of the free market system. His body of work helped bring academic legitimacy to these markets, and he is sorely missed by them. As part of our roundtable discussion, we allowed each of the participants to make one wish for the coming 106th Congress. True to his life's work in this area, Professor Miller told us that Congress needed to lessen the cost of regulation on the futures and other financial markets in order to allow these markets to survive and compete in the global economy. I find it particularly satisfying that we are able to pass this historic legislation at the end of the 106th Congress and provide Professor Miller with his wish. I am confident that his legacy will live on through the success and growth of the markets that are benefitted by this legislation.

Mr. GRAMM. Mr. President, today I join with Senator LUGAR, Chairman of the Senate Agriculture Committee, and several others of our colleagues to introduce the Commodity Futures Modernization Act of 2000. The formal purpose of this legislation is to reauthorize the Commodity Exchange Act, the legal authority for the Commodity Futures Trading Commission. As important as that is, this legislation does far more.

This is a landmark bill that addresses the two major purposes that Senator LUGAR and I set out to achieve when we first began discussing this legislation. First of all, this bill would repeal the so-called Shad-Johnson Accord, the 18-year-old temporary prohibition on the trading of futures based on individual stocks. Second, the bill eliminates the legal uncertainty that today hangs as an ominous cloud over the $60 trillion financial swaps markets.

We are introducing the bill today as the finished product of years of work involving half a dozen committees in both Houses of Congress, and as many agencies of the Federal government. This bill is identical to, and is the Senate companion to, H.R. 5660, introduced yesterday in the House and which will be approved by the House and the Senate today. We introduce this bill in the Senate to demonstrate the bicameral authorship and support for this important legislation.

For legislative history, I would direct my colleagues to statements made

elsewhere in the RECORD in connection with House and Senate action on the House companion, part of the package of legislation approved together with the Labor HHS appropriations bill for fiscal year 2001.

I would take this opportunity to thank Chairman LUGAR and all who had a hand in forming this important legislation. All who had a hand in it deserve to be proud of this product.

Mr. DURBIN:

S. 3284. A bill to amend title 5, United States Code, to establish a national health program administered by the Office of Personal Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Governmental Affairs.

OPTION ACT OF 2000

Mr. DURBIN. Mr. President, today I am introducing legislation to make available to all of our constituents the same range of private health insurance plans available to Members of Congress and other federal employees through the Federal Employees Health Benefits Program, FEHBP.

The OPTION Act—Offering People True Insurance Options Nationwide—would expand insurance options by allowing individuals to enroll in private health insurance plans nearly identical to the plans federal employees currently choose from. Though the OPTION program would be separate from the federal employees program, it would be modeled after FEHBP and would draw from FEHBP's strengths: plan choice, group purchasing savings, comprehensive benefits, and open enrollment periods.

Too many Americans do not have real insurance options. Many individuals lack insurance because no insurer is willing to cover them at a reasonable price. Others work for employers who do not provide health insurance or offer only one insurance provider. The OPTION Act addresses these issues by giving individuals and businesses access to the group purchasing power that undergirds FEHBP and the wide range of health plans in that program.

Under this legislation, all FEHBP health plans would be required to offer an OPTION health plan to non-federal employees with the same benefits they offer federal employees through FEHBP.

OPTION enrollees would be placed in a separate risk pool, to prevent any effect on current FEHBP employees, and the OPTION Act would not result in any changes in the premiums or benefits of today's FEHBP health plans.

One of the few differences from FEHBP is that OPTION plans would be allowed to vary premiums by age, so that younger enrollees would be more likely to enroll. OPTION plans also would be required to offer rebates or lower premiums for longevity of health coverage. These provisions would act as an incentive for people to sign up when they are young and to maintain continuous coverage.

OPTION health plans would not be allowed to impose any preexisting condition exclusions on new OPTION enrollees who have at least one year of health insurance coverage immediately prior to enrollment in an OPTION plan. To prevent people from waiting until they get sick to enroll, health plans would be allowed to exclude coverage for preexisting conditions for up to one year for people without coverage immediately preceding enrollment.

All employers would have the option of voluntarily participating in the OPTION program and providing OPTION health plans to their employees. To be eligible, a business would have to be willing to pay at least a minimum percentage of the premiums, varying from 30 percent to 50 percent depending on the size of the business. This innovative employer option would encourage employer health coverage rather than shifting coverage away from the private sector. I want to emphasize that employer participation would be entirely voluntary.

Opening up these health plans to employers would give small businesses a new opportunity to provide health coverage to their employees. Premiums in today's market can be especially high for small businesses buying insurance on their own. The OPTION program will allow businesses to tap into the type of group buying power in the federal employees program.

Premiums would not be government-subsidized and would instead be the responsibility of the participating enrollees and those employers who choose to participate.

Mr. President, I support efforts to provide financial assistance to those who cannot afford health insurance and I have offered other pieces of legislation to provide that assistance. We need to address the fact that 42.6 million Americans, including 1.7 million Illinoisans, currently lack health insurance—up nearly 25 percent from the 34.4 million in 1990. However, I am offering this measure on its own to focus specifically on expanding health coverage options and encouraging businesses to provide coverage. No one should be living just a serious accident or major illness away from financial ruin. Making more insurance options available to a greater number of people in this country is a good first step toward universal coverage.

The OPTION program would be administered by the Office of Personnel Management, OPM, which administers the FEHBP program, and would generally follow the rules for FEHBP. OPM has developed considerable expertise in negotiating and working with health plans and has shown that it can run a health program well at a minimum of cost. We can build on OPM's expertise to extend the same health insurance options to all Americans.

Finally, once it is up and running, the program would pay for itself. Administrative costs would be covered from a portion of the OPTION premiums. Those who benefit from the program would pay for its overhead costs.

Mr. President, this legislation could open the door for many Americans to obtain good health insurance coverage. I am introducing it at this late point in the session so that it can stimulate discussion over the next few months. I will reintroduce the measure next year. I welcome the input and support of my colleagues and hope the Senate will work next year to reduce the number of uninsured Americans and expand insurance options.

I ask unanimous consent that a fuller summary of the bill and a copy of the bill itself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Offering People True Insurance Options Nationwide Act of 2000''.

SEC. 2. OPTION HEALTH INSURANCE.

Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 90A—HEALTH INSURANCE FOR NON-FEDERAL EMPLOYEES

''§ 9051. Definitions

''In this chapter—

''(1) the terms defined under section 8901 shall have the meanings given such terms under that section; and

''(2) the term 'Office' means the Office of Personnel Management.

''§ 9052. Health insurance for non-Federal employees

''(a) The Office of Personnel Management shall administer a health insurance program for non-Federal employees in accordance with this chapter.

''(b) Except as provided under this chapter, the Office shall prescribe regulations to apply the provisions of chapter 89 to the greatest extent practicable to eligible individuals covered under this chapter.

''(c) In no event shall the enactment of this chapter result in—

''(1) any increase in the level of individual or Government contributions required under chapter 89, including copayments or deductibles;

''(2) any decrease in the types of benefits offered under chapter 89; or

''(3) any other change that would adversely affect the coverage afforded under chapter 89 to employees and annuitants and members of family under that chapter.

''§ 9053. Contract requirement

''(a) Each contract entered into under section 8902 shall require a carrier to offer to eligible individuals under this chapter,

throughout each term for which the contract remains effective, the same benefits (subject to the same maximums, limitations, exclusions, and other similar terms or conditions) as would be offered under such contract or applicable health benefits plan to employees, annuitants, and members of family.

''(b)(1) The Office may waive the requirements of this subsection, if the Office determines, based on a petition submitted by a carrier that—

''(A) the carrier is unable to offer the applicable health benefits plan because of a limitation in the capacity of the plan to deliver services or assure financial solvency;

''(B) the applicable health benefits plan is not sponsored by a carrier licensed under applicable State law; or

''(C) bona fide enrollment restrictions make the application of this chapter inappropriate, including restrictions common to plans which are limited to individuals having a past or current employment relationship with a particular agency or other authority of the Government.

''(2) The Office may require a petition under this subsection to include—

''(A) a description of the efforts the carrier proposes to take in order to offer the applicable health benefits plan under this chapter; and

''(B) the proposed date for offering such a health benefits plan.

''(3) A waiver under this subsection may be for any period determined by the Office. The Office may grant subsequent waivers under this section.

''§ 9054. Eligibility

''An individual shall be eligible to enroll in a plan under this chapter, unless the individual is enrolled or eligible to enroll in a plan under chapter 89.

''§ 9055. Alternative conditions to Federal employee plans

''(a) For purposes of enrollment in a health benefits plan under this chapter, an individual who had coverage under a health insurance plan and is not a qualified beneficiary as defined under section 4980B(g)(1) of the Internal Revenue Code of 1986 shall be treated in a similar manner as an individual who begins employment as an employee under chapter 89.

''(b) In the administration of this chapter, covered individuals under this chapter shall be in a risk pool separate from covered individuals under chapter 89.

''(c)(1) Each contract under this chapter may include a preexisting condition exclusion as defined under section 9801(b)(1) of the Internal Revenue Code of 1986.

''(2)(A) The preexisting condition exclusion under this subsection shall provide for coverage of a preexisting condition to begin not more than 1 year after the date of coverage of an individual under a health benefits plan, reduced by 1 month for each month that individual was covered under a health insurance plan immediately preceding the date the individual submitted an application for coverage under this chapter.

''(B) For purposes of this paragraph, a lapse in coverage of not more than 31 days immediately preceding the date of the submission of an application for coverage shall not be considered a lapse in continuous coverage.

''(d)(1) Rates charged and premiums paid for a health benefits plan under this chapter—

''(A) may be adjusted and differ from such rates charged and premiums paid for the same health benefits plan offered under chapter 89;

''(B) shall be negotiated in the same manner as negotiated under chapter 89; and

''(C) shall be adjusted to cover the administrative costs of this chapter.

''(2) In determining rates and premiums under this chapter—

''(A) the age of covered individuals may be considered; and

''(B) rebates or lower rates and premiums shall be set to encourage longevity of coverage.

''(e) No Government contribution shall be made for any covered individual under this chapter.

''(f) If an individual who is enrolled in a health benefits plan under this chapter terminates the enrollment, the individual shall not be eligible for reenrollment until the first open enrollment period following 6 months after the date of such termination.

''§ 9056. Coordination with social security benefits

''Benefits under this chapter shall, with respect to an individual who is entitled to benefits under part A of title XVIII of the Social Security Act, be offered (for use in coordination with those social security benefits) to the same extent and in the same manner as if coverage were under chapter 89.

''§ 9057. Non-Federal employer participation

''(a) In this section the term—

''(1) 'employee', notwithstanding section 9051, means an employee of a non-Federal employer; and

''(2) 'non-Federal employer' means an employer that is not the Federal Government.

''(b)(1) The Office shall prescribe regulations providing for non-Federal employer participation under this chapter, including—

''(A) the offering of health benefits plans under this chapter to employees through participating non-Federal employers; and

''(B) a requirement for participating non-Federal employer contributions to the payment of premiums for employees who enroll in a health benefits plan under this chapter.

''(2) A participating non-Federal employer shall pay an employer contribution for the premiums of an employee or other applicable covered individual as follows:

''(A) A non-Federal employer that employs not more than 2 employees shall not be required to pay an employer contribution.

''(B) A non-Federal employer that employs more than 2 and not more than 25 employees shall pay not less than 30 percent of the total premiums.

''(C) A non-Federal employer that employs more than 25 and not more than 50 employees shall pay not less than 40 percent of the total premiums.

''(D) A non-Federal employer that employs more than 50 employees shall pay not less than 50 percent of the total premiums.

''(3) Notwithstanding paragraph (2) (B), (C), or (D), a non-Federal employer that employs more than 2 employees shall pay not less than 20 percent of the total premiums with respect to the first year in which that employer participates under this chapter.''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONTRACT REQUIREMENT UNDER CHAPTER 89.—Section 8902 of title 5, United States Code, is amended by adding after subsection (o) the following:

''(p) Each contract under this chapter shall include a provision that the carrier shall offer any health benefits plan as required under chapter 90A.''.

(b) TABLE OF CHAPTERS.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 90 the following:

''90A. Health Insurance for Non-Federal Employees ..... 9051''.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect with respect to calendar year 2002 and each calendar year thereafter.

THE OFFERING PEOPLE TRUE INSURANCE OPTIONS NATIONWIDE (OPTION) ACT OF 2000—SUMMARY

The OPTION Act (Offering People True Insurance Options Nationwide) would expand health insurance options for all Americans by giving them access to the group purchasing power and same range of private health insurance plans available to Members of Congress and other federal employees. Under the OPTION Act:

All Americans would be eligible to enroll in OPTION health plans nearly identical to the health plans from which federal employees currently choose through the Federal Employees Health Benefits Program (FEHBP).

All FEHBP health plans would be required to offer an OPTION health plan to non-federal employees with the same benefits as they offer federal employees through FEHBP (with the exception of plans designated for a specific federal agency such as the foreign service and plans that apply for and receive an exemption due to special circumstances).

OPTION enrollees would be placed in a separate risk pool, to prevent any effect on current FEHBP employees.

The OPTION Act would not result in any changes in the premiums, copayments, deductibles, or benefits of FEHBP health plans, to avoid any adverse effect on the current FEHBP coverage of federal employees and annuitants and their families.

All employers would have the option of voluntarily participating in the OPTION program and providing OPTION health plans to their employees. To be eligible, a business would have to be willing to pay at least a minimum percentage of the premiums for its employees, with the amount varying depending on the size of the business. A small business with 3–25 employees would have to pay at least 30% of the premium for its employees, a larger business with 26–50 employees would have to pay at least 40%, and a business with more than 50 employees would have to pay at least 50%. Employers would be offered an incentive to begin enrolling their employees by allowing them to pay as little as 20% of the premium for the first year only. This innovative employer option would encourage employer health coverage rather than shifting coverage away from the private sector. Employer participation would be entirely voluntary.

Under the OPTION Act, premiums would not be government-subsidized. Enrollees, and those employers who choose to participate, would be responsible for the cost of the premiums. (Senator Durbin supports and has offered separate legislation to provide financial assistance to those who cannot afford health insurance but is offering this measure on its own to focus specifically on expanding health coverage options and encouraging businesses to provide coverage.)

One of the few differences from FEHBP is that OPTION plans would be allowed to vary premiums by age, so that younger enrollees would be more likely to enroll.

OPTION plans also would be required to offer rebates or lower premiums to encourage and reward longevity of health coverage. This would create an incentive for people to sign up when they are young and maintain continuous coverage.

OPTION health plans would not be allowed to impose any preexisting condition exclusions on new OPTION enrollees who have at least one year of health insurance coverage immediately prior to enrollment in an OPTION plan. To prevent people from waiting

until they get sick to enroll, health plans would be allowed to exclude coverage for pre-existing conditions for up to one year for people without coverage immediately prior to enrollment (reduced by one month for each month of immediately previous coverage). OPTION enrollees who terminate their coverage mid-year would have to wait to re-join until the next annual open season that is at least six months after the date of termination.

People who lost their previous health coverage and are not eligible for COBRA would be allowed to enroll in an OPTION plan at the start of the next month, just as newly hired federal employees can enroll in FEHBP.

The benefits provided by OPTION plans would be the same as the benefits in the corresponding FEHBP plans. (Current FEHBP benefits include inpatient/outpatient hospital care; physician services; surgical services; diagnostic tests; and emergency care; as well as child immunizations; certain cancer screening tests, including mammography; prescription drugs, including contraceptives; mental health and substance abuse treatment benefits with parity for mental and physical health; organ transplantation; and a 48-hour minimum inpatient stay for childbirth and mastectomies.)

The OPTION program would be administered by the Office of Personnel Management (OPM), which administers the FEHBP program, and would generally follow the rules for FEHBP. For example, OPM would conduct the same annual open season for enrollment and would negotiate premiums and benefits with OPTION health plans as it does with FEHBP plans. OPM has developed considerable expertise in negotiating and working with health plans and has shown that it can run a health program well at a minimum of cost. Its expenses are currently limited to no more than one percent of the total premiums for the FEHBP program. Rather than reinventing the wheel, we can build on OPM's expertise to extend the same health insurance options to all Americans.

Once it is up and running, the program would pay for itself. Administrative costs would be covered from a portion of the OPTION premiums.

By Mr. DURBIN:

S. 3285. A bill to amend the Internal Revenue Code of 1986 to exclude tobacco products from qualifying foreign trade property in the treatment of extraterritorial income; to the Committee on Finance.

STOP GIVING SPECIAL TAX BREAKS TO TOBACCO

Mr. DURBIN. Mr. President, today I am introducing legislation to exclude tobacco from the Extraterritorial Income Exclusion tax benefit, which has replaced the Foreign Sales Corporation tax benefit.

This tax provision provides tax benefits to a variety of companies, including many in Illinois, and I understand how important it is to them. But one product should be clearly, in law, excluded from this benefit, and it is the one product which kills its user when used according to the manufacturer's directions—tobacco.

The FSC replacement law already contains several exclusions from its benefits. Oil, gas, and other primary products are excluded to help ensure that natural resources in the United States are not depleted.

Unprocessed timber is excluded in order to ensure no displacement of U.S. jobs.

The law also excludes certain products in order to promote congruence with other federal government policies. For example, there are exclusions relating to items subject to the Export Administration Act, which prohibits or severely restricts export of certain civilian goods and technology that have military applications. Similarly, we should not be subsidizing tobacco products that are sold overseas while at the same time trying to cut smoking rates in the U.S. Our trade and health priorities should be on the same page.

The biggest tobacco companies in America currently benefit handsomely from the Foreign Sales Corporation tax break and will benefit from the Extraterritorial Income Exclusion tax break. The latest available data from the Statistics of Income Division at the Internal Revenue Service show tobacco products sold through 10 Foreign Sales Corporations for domestic tobacco manufacturers accounted for about $100 million in lost tax revenue in 1996. There is no justification for compelling American taxpayers to support a $100 million tax subsidy annually for the benefit of U.S. tobacco companies.

Since 1990, while Philip Morris's sales have grown minimally in the U.S., they have grown by 80 percent abroad. Smoking currently causes more than 3.5 million deaths each year throughout the world. Within 20 years, that number is expected to rise to 10 million, with 70 percent of all deaths from smoking occurring in developing countries. Tobacco will soon be the leading cause of disease and premature death worldwide—surpassing communicable diseases such as AIDS, malaria, and tuberculosis.

American taxpayers should not be partners in this export of disease and death where the result is more children around the globe smoking and more people getting sick and dying.

While it is true that tobacco companies are not receiving any special treatment that other corporations don't get under the old FSC law or its recent replacement, we must remember that tobacco companies are not like any other company. Internal tobacco industry documents have established that, starting as early as the 1950s, cigarette companies intentionally withheld information about smoking, including scientific research about its risks; made false and misleading statements about the harm of tobacco products; attacked research findings despite knowing that the research was valid; failed to take steps to make their products safer; and marketed their products to children and youth.

As a matter of fact, Philip Morris recently posted a statement on its website agreeing that smoking is harmful to your health and that there is no such thing as a safe or safer cigarette. The statement says, ''We agree with the overwhelming medical and scientific consensus that cigarette smoking causes lung cancer, heart disease, emphysema and other serious diseases in smokers. Smokers are far more likely to develop serious diseases, like lung cancer, than non-smokers. There is no 'safe' cigarette. These are and have been the messages of public health authorities worldwide. Smokers and potential smokers should rely on these messages in making all smoking-related decisions.''

It is about time that the tobacco companies faced up to the fact that their products are harmful and highly addictive. In the U.S. alone, smoking causes more than 400,000 deaths and costs more than $72 billion in health care costs every year.

We should not be subsidizing such an inherently dangerous product that is being promoted and marketed so irresponsibly here and around the world. With its devastating health effects, tobacco should not enjoy the same taxpayer-subsidized federal assistance as other products.

It's time to take another step toward bringing our nation's tax and trade priorities in line with our clear understanding of the health dangers of tobacco. My legislation simply adds one additional category to the list of products excluded from the special tax treatment in the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, which was recently signed into law by the President. It shifts tobacco from being promoted by this tax benefit to being excluded from this tax benefit.

In my legislation, tobacco is defined as it is defined in Section 5702(c) of the Internal Revenue Code, so it includes cigars, cigarettes, smokeless tobacco, and pipe tobacco. It does not apply to raw tobacco, so this legislation will not affect tobacco farmers' ability to sell their product abroad.

Is it fair to exclude a legal product from this tax benefit? Absolutely! Tobacco companies spend over $5 billion each year—that's nearly $14 million every day—in the U.S. alone to promote their products in order to replace the thousands of customers who either die or quit using tobacco products each day. In other countries, U.S. tobacco companies advertise their products near schools and in video-game arcades. They also use children in other countries to peddle their products. Street lights with the Camel logo have been installed in Bucharest, Romania. Toy cars with the Camel insignia are sold to children in Buenos Aires. Children's tatoos sporting the Salem logo are distributed in Hong Kong. Arcade games in the Philippines are plastered with the Marlboro label.

I urge my colleagues to send a message to U.S. tobacco companies as well as the next Administration to take the logical next step and make changes in the way tobacco products are sold and regulated to reflect the magnitude of the danger.

The tobacco prevention agenda has been stalled in this Congress for far too

long. Let's work together, in a bipartisan fashion, to stop marketing tobacco products to children, to regulate tobacco products in a sensible way, and to adopt larger and clearer warning labels commensurate with the risks of tobacco products. Let's take a close look at all the forms of tobacco, including the new fad of bidis and the resurgent use of cigars. They all have addictive levels of nicotine and deadly levels of carcinogens. It's time to put people's health ahead of tobacco company profits.

Mr. President, I urge my colleagues to join me in cosponsoring this important legislation, to end the contradiction of using the tax code to continue to enrich U.S. tobacco companies, which export products that addict children abroad to nicotine and push them down a path to disease and death.

I ask unanimous consent that a copy of the legislation be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF TOBACCO PRODUCTS FROM QUALIFYING FOREIGN TRADE PROPERTY.

(a) IN GENERAL.—Section 943(a)(3) of the Internal Revenue Code of 1986 (relating to excluded property) is amended by striking ''or'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', and'', and by inserting after subparagraph (E) the following new subparagraph:

''(F) any tobacco products (as defined in section 5702(c)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 3(b) of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.

Mr. BINGAMAN (for himself, Mr. DASCHLE, and Mr. BAUCUS):

S. 3286. A bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes; to the Committee on Energy and Natural Resources.

PILT AND REFUGE REVENUE SHARING PERMANENT FUNDING ACT

Mr. BINGAMAN. Mr. President, the bill I am introducing today, the PILT and Refuge Revenue Sharing Permanent Funding Act, deals with an issue that I believe must be addressed in the next Congress. The bill is a measure to make permanent funding for two important programs managed by the Department of the Interior: the Payment in Lieu of Taxes Program (or PILT) in the Bureau of Land Management and the Refuge Revenue Sharing Program in the Fish and Wildlife Service. These programs provide support to local governments in areas in which these two agencies hold land. Under the authorizations for these programs, the funds are to be provided as an offset to the local property tax base lost by virtue of the Federal ownership of these lands.

Federal ownership of lands in the American West, in states like New Mexico, does not come without its share of burdens for local governments. If there is a fire or other emergency, they must help respond. If there is increased traffic to and from the site, they must maintain the public roads that provide the necessary access to the public. In enacting the original authorizing legislation, Congress decided that, as a matter of policy, it was appropriate for the Federal Government to bear a fair share in paying for these costs, in lieu of the taxes that would be levied on any private landowner in these localities.

But in setting up these programs, Congress decided to make them subject to annual appropriations, either partially (in the case of Refuge Revenue Sharing) or completely (in the case of PILT). In retrospect, this was a mistake. The annual appropriations process has never come even close to providing the funds agreed upon by the underlying authorizing law. Moreover, the amount made available has changed significantly from one year to the next, frustrating the ability of localities to plan effectively for the use of these funds. Many of the burdens they face as a result of Federal land ownership require expenditures and commitments that are long-term. If you want to have a reasonable system of country roads, you need to have a consistent multi-year plan. If you want adequate fire protection, you can't be hiring a dozen new firefighters in one year and firing them the next, as appropriation levels gyrate up and down.

The Federal Government needs to be a better neighbor and a more reliable partner to local governments in the rural West. Since the system of meeting our obligations to these localities through the annual appropriations process has not worked, I am proposing that we start treating our payments in lieu of taxes in the same way that we account for incoming tax revenues to the Federal Government—on the mandatory side of the Federal ledger. By making the funding for these crucial programs full and permanent, we will be keeping the commitments to rural communities throughout the West made in the original PILT and Refuge Revenue Sharing authorizing legislation. It's a matter of simple justice to rural communities. I hope that enacting legislation along the lines of what I am proposing today will receive high priority in the next Congress.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''PILT and Refuge Revenue Sharing Permanent Funding Act''.

SEC. 2. PERMANENT FUNDING FOR PILT AND REFUGE REVENUE SHARING.

(a) PAYMENTS IN LIEU OF TAXES.—Section 6906 of title 31, United States Code, is amended to read as follows:

''There is authorized to be appropriated such sums as may be necessary to the Secretary of the Interior to carry out this chapter. Beginning in fiscal year 2002 and each year thereafter, amounts authorized under this chapter shall be made available to the Secretary of the Interior, out of any other funds in the Treasury not otherwise appropriated and without further appropriation, for obligation or expenditure in accordance with this chapter.''.

(b) REFUGE REVENUE SHARING.—Section 401(d) of the Act of June 15, 1935, as amended (16 U.S.C. 715s(d)) (relating to refuge revenue sharing), is amended by adding at the end thereof:

''Beginning in fiscal year 2002 and each year thereafter, such amount shall be made available to the Secretary, out of any other funds in the Treasury not otherwise appropriated and without further appropriation, for obligation or expenditure in accordance with this section.''.

ADDITIONAL COSPONSORS

S. 741

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 741, a bill to provide for pension reform, and for other purposes.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 3250

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3250, a bill to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

SENATE CONCURRENT RESOLUTION 162—TO DIRECT THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 4577

Mr. STEVENS (for himelf and Mr. BYRD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 162

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 4577), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 2001, and for other purposes, shall make the following correction:

In section 1(a)(4), before the period at the end, insert the following: '', except that the

text of H.R. 5666, as so enacted, shall not include section 123 (relating to the enactment of H.R. 4904)''.

SENATE RESOLUTION 388—TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE FOR THE COURTEOUS, DIGNIFIED, AND IMPARTIAL MANNER IN WHICH HE HAS PRESIDED OVER THE DELIBERATIONS OF THE SENATE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 388

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Sixth Congress.

SENATE RESOLUTION 389—TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT FOR THE COURTEOUS, DIGNIFIED, AND IMPARTIAL MANNER IN WHICH HE HAS PRESIDED OVER THE DELIBERATIONS OF THE SENATE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 389

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Sixth Congress.

SENATE RESOLUTION 390—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER.

Mr. LOTT (for himself, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 390

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 106th Congress.

SENATE RESOLUTION 391—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER.

Mr. DASCHLE (for himself, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 391

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 106th Congress.

SENATE RESOLUTION 392—TENDERING THE THANKS OF THE SENATE TO THE SENATE STAFF FOR THE COURTEOUS, DIGNIFIED, AND IMPARTIAL MANNER IN WHICH THEY HAVE ASSISTED THE DELIBERATIONS OF THE SENATE.

Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 392

Resolved, That the thanks of the Senate are hereby tendered to the Secretary of the Senate, the Sergeant at Arms of the Senate, the Secretary for the Majority, the Secretary for the Minority, and the floor staff of the two parties for the courteous, dignified, and impartial manner in which they have assisted the deliberations of the Senate during the second session of the One Hundred Sixth Congress.

SENATE RESOLUTION 393—COMMEMORATING THE LIFE OF GWENDOLYN BROOKS OF CHICAGO, ILLINOIS.

Mr. DURBIN (for himself and Mr. FITZGERALD) submitted the following resolution; which was considered and agreed to:

S. RES. 393

Whereas Gwendolyn Brooks was born in Topeka, Kansas, on June 7, 1917, and moved one month thereafter to the South Side of Chicago;

Whereas Gwendolyn Brooks was educated in the Chicago public school system, graduating from Englewood High School in 1934;

Whereas Gwendolyn Brooks was the author of over twenty works of poetry spanning 46 years;

Whereas Gwendolyn Brooks in 1950 became the first African-American woman to win the Pulitzer Prize for poetry with her publication, Annie Allen;

Whereas Gwendolyn Brooks was showered with numerous other accolades as a poet and artist, including a lifetime achievement award from the National Endowment for the Arts;

Whereas Gwendolyn Brooks has been poet laureate of Illinois since 1968, succeeding the late Carl Sandburg;

Whereas Gwendolyn Brooks leveraged her prestige as Illinois poet laureate to inspire young writers, establishing the Illinois Poet Laureate Awards in 1969 to encourage elementary and high school students to write;

Whereas Gwendolyn Brooks taught future poets and writers at the University of Wisconsin-Madison, the City College of New York, Columbia College of Chicago, Northeastern Illinois University, Elmhurst College, and Chicago State University; Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life of Gwendolyn Brooks and celebrates the accomplishments she made not just to the State of Illinois, but to the entire United States of America as a poet and artist; and

(2) extends its deepest sympathies to her daughter Nora and son Henry.

AMENDMENTS SUBMITTED

DILLONWOOD GIANT SEQUOIA GROVE PARK EXPANSION ACT

MURKOWSKI (AND BINGAMAN) AMENDMENT NO. 4365

Mr. DOMENICI (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 4020) to authorize an expansion of the boundaries of Sequoia National Park to include Dillonwood Giant Sequoia Grove; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled ''Dillonwood'', numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and.

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and.

(2) The Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 1999

HATCH AMENDMENT NO. 4366

Mr. STEVENS (for Mr. HATCH) proposed an amendment to the bill (H.R. 46) to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—PUBLIC SAFETY MEDAL OF VALOR

SECTION 101. SHORT TITLE.

This title may be cited as the ''Public Safety Officer Medal of Valor Act of 2000''.

SEC. 102. AUTHORIZATION OF MEDAL.

After September 1, 2001, the President may award, and present in the name of Congress, a Medal of Valor of appropriate design, with ribbons and appurtenances, to a public safety officer who is cited by the Attorney General, upon the recommendation of the Medal of Valor Review Board, for extraordinary valor above and beyond the call of duty. The Public Safety Medal of Valor shall be the highest national award for valor by a public safety officer.

SEC. 103. MEDAL OF VALOR BOARD.

(a) ESTABLISHMENT OF BOARD.—There is established a Medal of Valor Review Board

(hereinafter in this title referred to as the ''Board''), which shall be composed of 11 members appointed in accordance with subsection (b) and shall conduct its business in accordance with this title.

(b) MEMBERSHIP.—

(1) MEMBERS.—The members of the Board shall be individuals with knowledge or expertise, whether by experience or training, in the field of public safety, of which—

(A) two shall be appointed by the majority leader of the Senate;

(B) two shall be appointed by the minority leader of the Senate;

(C) two shall be appointed by the Speaker of the House of Representatives;

(D) two shall be appointed by the minority leader of the House of Representatives; and

(E) three shall be appointed by the President, including one with experience in firefighting, one with experience in law enforcement, and one with experience in emergency services.

(2) TERM.—The term of a Board member shall be 4 years.

(3) VACANCIES.—Any vacancy in the membership of the Board shall not affect the powers of the Board and shall be filled in the same manner as the original appointment.

(4) OPERATION OF THE BOARD.—

(A) CHAIRMAN.—The Chairman of the Board shall be elected by the members of the Board from among the members of the Board.

(B) MEETINGS.—The initial meeting of the Board shall be conducted within 90 days of the appointment of the last member of the Board. Thereafter, the Board shall meet at the call of the Chairman of the Board. The Board shall meet not less often than twice each year.

(C) VOTING AND RULES.—A majority of the members shall constitute a quorum to conduct business, but the Board may establish a lesser quorum for conducting hearings scheduled by the Board. The Board may establish by majority vote any other rules for the conduct of the Board's business, if such rules are not inconsistent with this title or other applicable law.

(c) DUTIES.—The Board shall select candidates as recipients of the Medal of Valor from among those applications received by the National Medal Office. Not more often than once each year, the Board shall present to the Attorney General the name or names of those it recommends as Medal of Valor recipients. In a given year, the Board shall not be required to select any recipients but may not select more than 5 recipients. The Attorney General may in extraordinary cases increase the number of recipients in a given year. The Board shall set an annual timetable for fulfilling its duties under this title.

(d) HEARINGS.—

(1) IN GENERAL.—The Board may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Board considers advisable to carry out its duties.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Board.

(e) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out its duties. Upon the request of the Board, the head of such department or agency may furnish such information to the Board.

(f) INFORMATION TO BE KEPT CONFIDENTIAL.—The Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.

SEC. 104. BOARD PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—(1) Except as provided in paragraph (2), each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) All members of the Board who serve as officers or employees of the United States, a State, or a local government, shall serve without compensation in addition to that received for those services.

(b) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

SEC. 105. DEFINITIONS.

In this title:

(1) PUBLIC SAFETY OFFICER.—The term ''public safety officer'' means a person serving a public agency, with or without compensation, as a firefighter, law enforcement officer, or emergency services officer, as determined by the Attorney General. For the purposes of this paragraph, the term ''law enforcement officer'' includes a person who is a corrections or court officer or a civil defense officer.

(2) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this title.

SEC. 107. NATIONAL MEDAL OF VALOR OFFICE.

There is established within the Department of Justice a national medal of valor office. The office shall provide staff support to the Board to establish criteria and procedures for the submission of recommendations of nominees for the Medal of Valor and for the final design of the Medal of Valor.

SEC. 108. CONFORMING REPEAL.

Section 15 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2214) is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) ESTABLISHMENT.—There is hereby established an honorary award for the recognition of outstanding and distinguished service by public safety officers to be known as the Secretary's Award For Distinguished Public Safety Service ('Secretary's Award').'';

(2) in subsection (b)—

(A) by striking paragraph (1); and

(B) by striking ''(2)'';

(3) by striking subsections (c) and (d) and redesignating subsections (e), (f), and (g) as subsections (c), (d), and (e), respectively; and

(4) in subsection (c), as so redesignated—

(A) by striking paragraph (1); and

(B) by striking ''(2)''.

SEC. 109. CONSULTATION REQUIREMENT.

The Board shall consult with the Institute of Heraldry within the Department of Defense regarding the design and artistry of the Medal of Valor. The Board may also consider suggestions received by the Department of Justice regarding the design of the medal, including those made by persons not employed by the Department.

TITLE II—COMPUTER CRIME ENFORCEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Computer Crime Enforcement Act''.

SEC. 202. STATE GRANT PROGRAM FOR TRAINING AND PROSECUTION OF COMPUTER CRIMES.

(a) IN GENERAL.—Subject to the availability of amounts provided in advance in appropriations Acts, the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof, to—

(1) assist State and local law enforcement in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement in educating the public to prevent and identify computer crime;

(3) assist in educating and training State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used to establish and develop programs to—

(1) assist State and local law enforcement in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement in educating the public to prevent and identify computer crime;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(c) ASSURANCES.—To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize computer crime, such as penal laws prohibiting—

(A) fraudulent schemes executed by means of a computer system or network;

(B) the unlawful damaging, destroying, altering, deleting, removing of computer software, or data contained in a computer, computer system, computer program, or computer network; or

(C) the unlawful interference with the operation of or denial of access to a computer, computer program, computer system, or computer network;

(2) an assessment of the State and local resource needs, including criminal justice resources being devoted to the investigation and enforcement of computer crime laws; and

(3) a plan for coordinating the programs funded under this section with other federally funded technical assistant and training programs, including directly funded local programs such as the Local Law Enforcement Block Grant program (described under the heading ''Violent Crime Reduction Programs, State and Local Law Enforcement Assistance'' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)).

(d) MATCHING FUNDS.—The Federal share of a grant received under this section may not exceed 90 percent of the costs of a program or proposal funded under this section unless the Attorney General waives, wholly or in part, the requirements of this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2001 through 2004.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

(f) GRANTS TO INDIAN TRIBES.—Notwithstanding any other provision of this section, the Attorney General may use amounts made available under this section to make grants to Indian tribes for use in accordance with this section.

TITLE III—INTERNET SECURITY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Internet Security Act of 2000''.

SEC. 302. DEPUTY ASSISTANT ATTORNEY GENERAL FOR COMPUTER CRIME AND INTELLECTUAL PROPERTY.

(a) ESTABLISHMENT OF POSITION.—(1) Chapter 31 of title 28, United States Code, is amended by inserting after section 507 the following new section:

''§ 507a. Deputy Assistant Attorney General for Computer Crime and Intellectual Property

''(a) The Attorney General shall appoint a Deputy Assistant Attorney General for Computer Crime and Intellectual Property.

''(b) The Deputy Assistant Attorney General shall be the head of the Computer Crime and Intellectual Property Section (CCIPS) of the Department of Justice.

''(c) The duties of the Deputy Assistant Attorney General shall include the following:

''(1) To advise Federal prosecutors and law enforcement personnel regarding computer crime and intellectual property crime.

''(2) To coordinate national and international law enforcement activities relating to combatting computer crime.

''(3) To provide guidance and assistance to Federal, State, and local law enforcement agencies and personnel, and appropriate foreign entities, regarding responses to threats of computer crime and cyber-terrorism.

''(4) To serve as the liaison of the Attorney General to the National Infrastructure Protection Center (NIPC), the Department of Defense, the National Security Agency, and the Central Intelligence Agency on matters relating to computer crime.

''(5) To coordinate training for Federal, State, and local prosecutors and law enforcement personnel on laws pertaining to computer crime.

''(6) To propose and comment upon legislation concerning computer crime, intellectual property crime, encryption, electronic privacy, and electronic commerce, and concerning the search and seizure of computers.

''(7) Such other duties as the Attorney General may require, including duties carried out by the head of the Computer Crime and Intellectual Property Section of the Department of Justice as of the date of the enactment of the Internet Security Act of 2000.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 507 the following new item:

''507a. Deputy Assistant Attorney General for Computer Crime and Intellectual Property.''.

(b) FIRST APPOINTMENT TO POSITION OF DEPUTY ASSISTANT ATTORNEY GENERAL.—(1) The individual who holds the position of head of the Computer Crime and Intellectual Property Section (CCIPS) of the Department of Justice as of the date of the enactment of this title shall act as the Deputy Assistant Attorney General for Computer Crime and Intellectual Property under section 507a of title 28, United States Code, until the Attorney General appoints an individual to hold the position of Deputy Assistant Attorney General for Computer Crime and Intellectual Property under that section.

(2) The individual first appointed as Deputy Assistant Attorney General for Computer Crime and Intellectual Property after the date of the enactment of this title may be the individual who holds the position of head of the Computer Crime and Intellectual Property Section of the Department of Justice as of that date.

(c) AUTHORIZATION OF APPROPRIATIONS FOR CCIPS.—There is hereby authorized to be appropriated for the Department of Justice for fiscal year 2001, $5,000,000 for the Computer Crime and Intellectual Property Section of the Department for purposes of the discharge of the duties of the Deputy Assistant Attorney General for Computer Crime and Intellectual Property under section 507a of title 28, United States Code (as so added), during that fiscal year.

SEC. 303. DETERRENCE AND PREVENTION OF FRAUD, ABUSE, AND CRIMINAL ACTS IN CONNECTION WITH COMPUTERS.

(a) CLARIFICATION OF PROTECTION OF PROTECTED COMPUTERS.—Subsection (a)(5) of section 1030 of title 18, United States Code, is amended—

(1) by inserting ''(i)'' after ''(A)'';

(2) by redesignated subparagraphs (B) and (C) as clauses (ii) and (iii), respectively, of subparagraph (A);

(3) by adding ''and'' at the end of clause (iii), as so redesignated; and

(4) by adding at the end the following new subparagraph:

''(B) whose conduct described in clause (i), (ii), or (iii) of subparagraph (A) caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(i) loss to 1 or more persons during any 1-year period (including loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(iii) physical injury to any person;

''(iv) a threat to public health or safety; or

''(v) damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security;''.

(b) PROTECTION FROM EXTORTION.—Subsection (a)(7) of that section is amended by striking '', firm, association, educational institution, financial institution, governmental entity, or other legal entity,''.

(c) PENALTIES.—Subsection (c) of that section is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting ''except as provided in subparagraph (B),'' before ''a fine'';

(ii) by striking ''(a)(5)(C)'' and inserting ''(a)(5)(A)(iii)''; and

(iii) by striking ''and'' at the end;

(B) in subparagraph (B), by inserting ''or an attempt to commit an offense punishable under this subparagraph,'' after ''subsection (a)(2),'' in the matter preceding clause (i); and

(C) in subparagraph (C), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking '', (a)(5)(A), (a)(5)(B),'' both places it appears; and

(B) by striking ''(a)(5)(C)'' and inserting ''(a)(5)(A)(iii)''; and

(3) by adding at the end the following new paragraph:

''(4)(A) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A)(i), or an attempt to commit an offense punishable under this subparagraph;

''(B) a fine under this title, imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(5)(A)(ii), or an attempt to commit an offense punishable under this subparagraph; and

''(C) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A)(i) or (a)(5)(A)(ii), or an attempt to commit an offense punishable under this subparagraph, that occurs after a conviction for another offense under this section.''.

(d) DEFINITIONS.—Subsection (e) of that section is amended—

(1) in paragraph (2)(B), by inserting '', including a computer located outside the United States that is used in a manner that affects interstate or foreign commerce or communication of the United States'' before the semicolon;

(2) in paragraph (7), by striking ''and'' at the end;

(3) by striking paragraph (8) and inserting the following new paragraph (8):

''(8) the term 'damage' means any impairment to the integrity or availability of data, a program, a system, or information;''

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following new paragraphs:

''(10) the term 'conviction' shall include a conviction under the law of any State for a crime punishable by imprisonment for more than 1 year, an element of which is unauthorized access, or exceeding authorized access, to a computer;

''(11) the term 'loss' means any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service; and

''(12) the term 'person' means any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity.''.

(e) DAMAGES IN CIVIL ACTIONS.—Subsection (g) of that section is amended—

(1) by striking the second sentence and inserting the following new sentences: ''A suit for a violation of this section may be brought only if the conduct involves one of the factors enumerated in clauses (i) through (v) of subsection (a)(5)(B). Damages for a violation involving only conduct described in subsection (a)(5)(B)(i) are limited to economic damages.''; and

(2) by adding at the end the following new sentence: ''No action may be brought under this subsection for the negligent design or manufacture of computer hardware, computer software, or firmware.''.

SEC. 304. CRIMINAL FORFEITURE FOR COMPUTER FRAUD AND ABUSE.

Section 1030 of title 18, United States Code, as amended by section 303 of this Act, is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h)(1) The court, in imposing sentence on any person convicted of a violation of this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) the interest of such person in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, whether real or personal, constituting or derived from any proceeds that such person obtained, whether directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding relating thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.''.

SEC. 305. ENHANCED COORDINATION OF FEDERAL AGENCIES.

Subsection (d) of section 1030 of title 18, United States Code, is amended to read as follows:

''(d)(1) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section relating to its jurisdiction under section 3056 of this title and other statutory authorities. Such authority of the United States Secret Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.

''(2) The Federal Bureau of Investigation shall have primary authority to investigate offenses under subsection (a)(1) for any cases involving espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service pursuant to section 3056(a) of this title.''.

SEC. 306. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELATING TO PRESERVING RECORDS IN RESPONSE TO GOVERNMENT REQUESTS.

Section 2707(e)(1) of title 18, United States Code, is amended by inserting after ''or statutory authorization'' the following: ''(including a request of a governmental entity under section 2703(f) of this title)''.

SEC. 307. FORFEITURE OF DEVICES USED IN COMPUTER SOFTWARE COUNTERFEITING AND INTELLECTUAL PROPERTY THEFT.

(a) IN GENERAL.—Section 2318(d) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' before ''When'';

(2) in paragraph (1), as so designated, by inserting '', and of any replicator or other device or thing used to copy or produce the computer program or other item to which the counterfeit labels have been affixed or which were intended to have had such labels affixed'' before the period; and

(3) by adding at the end the following:

''(2) The forfeiture of property under this section, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 (other than subsection (d) of that section) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).''.

(b) CONFORMING AMENDMENT.—Section 492 of such title is amended in the first undesignated paragraph by striking ''or 1720,'' and inserting '', 1720, or 2318''.

SEC. 308. SENTENCING DIRECTIVES FOR COMPUTER CRIMES.

(a) AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN COMPUTER CRIMES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines and, if appropriate, shall promulgate guidelines or policy statements or amend existing policy statements to address—

(1) the potential and actual loss resulting from an offense under section 1030 of title 18, United States Code (as amended by this title);

(2) the level of sophistication and planning involved in such an offense;

(3) the growing incidence of offenses under such subsections and the need to provide an effective deterrent against such offenses;

(4) whether or not such an offense was committed for purposes of commercial advantage or private financial benefit;

(5) whether or not the defendant involved a juvenile in the commission of such an offense;

(6) whether or not the defendant acted with malicious intent to cause harm in committing such an offense;

(7) the extent to which such an offense violated the privacy rights of individuals harmed by the offense; and

(8) any other factor the Commission considers appropriate in connection with any amendments made by this title with regard to such subsections.

(b) AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN COMPUTER FRAUD AND ABUSE.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of section 1030(a)(5)(A)(ii) or 1030(a)(5)(A)(iii) of title 18, United States Code (as amended by section 303 of this Act), can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

(c) AMENDMENT OF SENTENCING GUIDELINES RELATING TO USE OF ENCRYPTION.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines and, if appropriate, shall promulgate guidelines or policy statements or amend existing policy statements to ensure that the guidelines provide sufficiently stringent penalties to deter and punish persons who intentionally use encryption in connection with the commission or concealment of criminal acts sentenced under the guidelines.

(d) EMERGENCY AUTHORITY.—The Commission may promulgate the guidelines or amendments provided for under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 309. ASSISTANCE TO FEDERAL, STATE, AND LOCAL COMPUTER CRIME ENFORCEMENT AND ESTABLISHMENT OF NATIONAL CYBER CRIME TECHNICAL SUPPORT CENTER.

(a) NATIONAL CYBER CRIME TECHNICAL SUPPORT CENTER.—

(1) CONSTRUCTION REQUIRED.—The Director of the Federal Bureau of Investigation shall provide for the construction and equipping of the technical support center of the Federal Bureau of Investigation referred to in section 811(a)(1)(A) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1312; 28 U.S.C. 531 note).

(2) NAMING.—The technical support center constructed and equipped under paragraph (1) shall be known as the ''National Cyber Crime Technical Support Center''.

(3) FUNCTIONS.—In addition to any other authorized functions, the functions of the National Cyber Crime Technical Support Center shall be—

(A) to serve as a centralized technical resource for Federal, State, and local law enforcement and to provide technical assistance in the investigation of computer-related criminal activities;

(B) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;

(C) to provide training and education for Federal, State, and local law enforcement personnel regarding investigative technologies and forensic analyses pertaining to computer-related crime;

(D) to conduct research and to develop technologies for assistance in investigations and forensic analyses of evidence related to computer-related crimes;

(E) to facilitate and promote efficiencies in the sharing of Federal law enforcement expertise, investigative technologies, and forensic analysis pertaining to computer-related crime with State and local law enforcement personnel, prosecutors, regional computer forensic laboratories, and multijurisdictional computer crime task forces; and

(F) to carry out such other activities as the Director considers appropriate.

(b) DEVELOPMENT AND SUPPORT OF COMPUTER FORENSIC ACTIVITIES.—The Director shall, in consultation with the heads of other Federal law enforcement agencies, take appropriate actions to develop at least 10 regional computer forensic laboratories, and to provide support, education, and assistance for existing computer forensic laboratories, in order that such computer forensic laboratories have the capability—

(1) to provide forensic examinations with respect to seized or intercepted computer evidence relating to criminal activity;

(2) to provide training and education for Federal, State, and local law enforcement personnel and prosecutors regarding investigations, forensic analyses, and prosecutions of computer-related crime;

(3) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;

(4) to facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer-related crime with State and local law enforcement personnel and prosecutors, including the use of multijurisdictional task forces; and

(5) to carry out such other activities as the Attorney General considers appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is hereby authorized to be appropriated for fiscal year

2001, $100,000,000 for purposes of carrying out this section, of which $20,000,000 shall be available solely for activities under subsection (b).

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

Amend the title to read as follows: ''To provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, to enhance computer crime enforcement and Internet security, and for other purposes.''.

HAWAIIAN NATIONAL PARK LANGUAGE CORRECTION ACT OF 1999

MURKOWSKI (AND BINGAMAN) AMENDMENT NO. 4367

Mr. STEVENS (for Mr. MURKOWSKI and Mr. BINGAMAN) proposed an amendment to the bill (S. 939) to correct spelling errors in the statutory designations of Hawaiian National Parks; as follows:

On page 2, strike lines 1 and 2 and insert the following:

''TITLE I—CORRECTION IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

''SEC. 101. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.''.

On page 4, line 17, strike ''SEC. 3'' and insert ''SEC. 102''.

At the end of the bill add the following new titles:

''TITLE II—PEOPLING OF AMERICA THEME STUDY''

SEC. 201. SHORT TITLE.

This title may be cited as the ''Peopling of America Theme Study Act''.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the ''peopling of America''; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United Sates and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a–5 note; Public Law 101–628), that ''the Secretary shall ensure that the full diversity of American history and prehistory are represented'' in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that ''people are the primary agents of change'' and establishes the theme of human population movement and change—or ''peopling places''—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) PURPOSES.—The purposes of this title are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 203. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study required under section 4.

(3) PEOPLING OF AMERICA.—The term ''peopling of America'' means the migration to and within, and the settlement of, the United States.

SEC. 204. THEME STUDY.

(a) IN GENERAL.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENFIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list in order of importance or merit of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 205. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE III—LITTLE SANDY RIVER WATERSHED PROTECTION, OREGON.

SEC. 301. INCLUSION OF ADDITIONAL PORTION OF THE LITTLE SANDY RIVER WATERSHED IN THE BULL RUN WATERSHED MANAGEMENT UNIT, OREGON.

(a) IN GENERAL.—Public Law 95–200 (16 U.S.C. 482b note) is amended by striking section 1 and inserting the following:

''SECTION 1. ESTABLISHMENT OF SPECIAL RESOURCES MANAGEMENT UNIT; DEFINITION OF SECRETARY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established, subject to valid existing rights, a special resources management unit in the State of Oregon comprising approximately 98,272 acres, as depicted on a map dated May 2000, and entitled ''Bull Run Watershed Management Unit''.

''(2) MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Regional Forester-Pacific Northwest Region, Forest Service, Department of Agriculture, and in the

offices of the State Director, Bureau of Land Management, Department of the Interior.

''(3) BOUNDARY ADJUSTMENTS.—Minor adjustments in the boundaries of the unit may be made from time to time by the Secretary after consultation with the city and appropriate public notice and hearings.

''(b) DEFINITION OF SECRETARY.—In this Act, the term ''Secretary'' means—

''(1) with respect to land administered by the Secretary of Agriculture, the Secretary of Agriculture; and

''(2) with respect to land administered by the Secretary of the Interior, the Secretary of the Interior.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECRETARY.—Public Law 95–200 (16 U.S.C. 482b note) is amended by striking ''Secretary of Agriculture'' each place it appears (except subsection (b) of section 1, as added by subsection (a), and except in the amendments made by paragraph (2)) and inserting ''Secretary''.

(2) APPLICABLE LAW.—

(A) IN GENERAL.—Section 2(a) of Public Law 95–200 (16 U.S.C. 482b note) is amended by striking ''applicable to National Forest System lands'' and inserting ''applicable to National Forest System land (in the case of land administered by the Secretary of Agriculture) or applicable to land under the administrative jurisdiction of the Bureau of Land Management (in the case of land administered by the Secretary of the Interior)''.

(B) MANAGEMENT PLANS.—The first sentence of section 2(c) of Public Law 95–200 (16 U.S.C. 482b note) is amended—

(i) by striking 'subsection (a) and (b)' and inserting 'subsections (a) and (b)'; and

(ii) by striking '', through the maintenance'' and inserting ''(in the case of land administered by the Secretary of Agriculture) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) (in the case of land administered by the Secretary of the Interior), through the maintenance''.

SEC. 302. MANAGEMENT.

(a) TIMBER HARVESTING RESTRICTIONS.—Section 2(b) of Public Law 95–200 (16 U.S.C. 482b note) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees on Federal land in the entire unit, as designated in section 1 and depicted on the map referred to in that section.''.

(b) REPEAL OF MANAGEMENT EXCEPTION.—The Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208) is amended by striking section 606 (110 Stat. 3009–543).

(c) REPEAL OF DUPLICATIVE ENACTMENT.—Section 1026 of division I of the Omnibus Parks and Public Land Management Act of 1996 (Public Law 104–333; 110 Stat. 4228) and the amendments made by that section are repealed.

(d) WATER RIGHTS.—Nothing in this section strengthens, diminishes, or has any other effect on water rights held by any person or entity.

SEC. 303. LAND RECLASSIFICATION.

(a) Within 6 months of the date of enactment of this title, the Secretaries of Agriculture and Interior shall identify any Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. sec. 1181f) within the boundary of the special resources management area described in section 1 of this title.

(b) Within 18 months of the date of enactment of this title, the Secretary of the Interior shall identify public domain lands within the Medford, Roseburg, Eugene, Salem and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management approximately equal in size and condition as those lands identified in subsection (a) but not subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. sec. 1181a–f). For purposes of this subsection, ''public domain lands'' shall have the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), but excluding therefrom any lands managed pursuant to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

(c) Within 2 years after the date of enactment of this title, the Secretary of the Interior shall submit to Congress and publish in the Federal Register a map or maps identifying those public domain lands pursuant to subsections (a) and (b) of this section. After an opportunity for public comment, the Secretary of the Interior shall complete an administrative land reclassification such that those lands identified pursuant to subsection (a) become public domain lands not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181f) and those lands identified pursuant to subsection (b) become Oregon and California Railroad lands (O&C lands) subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

SEC. 304. ENVIRONMENTAL RESTORATION.

In order to further the purposes of this title, there is hereby authorized to be appropriated $10,000,000 under the provisions of section 323 of the FY 1999 Interior Appropriations Act (P.L. 105–277) for Clackamas County, Oregon, for watershed restoration, except timber extraction, that protects or enhances water quality or relates to the recovery of species listed pursuant to the Endangered Species Act (P.L. 93–205) near the Bull Run Management Unit.

EXPRESSING THE SUPPORT OF CONGRESS FOR ACTIVITIES TO INCREASE PUBLIC AWARENESS OF MULTIPLE SCLEROSIS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 271, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 271) expressing the support of Congress for activities to increase public awareness of multiple sclerosis.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 271) was agreed to.

The preamble was agreed to.

HAWAIIAN NATIONAL PARK LANGUAGE CORRECTION ACT OF 1999

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 175, S. 939.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 939) to correct spelling errors in the statutory designations of Hawaiian National Parks.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(Omit the parts in boldface brackets and insert the parts printed in italic.)

S. 939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hawaiian National Park Language Correction Act of 1999''.

SEC. 2. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) HAWAI*`*I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87–278 (75 Stat. 577) is amended by striking ''Hawaii Volcanoes National Park'' each place it appears and inserting ''Hawai*`*i Volcanoes National Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Hawaii Volcanoes National Park'' shall be considered a reference to ''Hawai*`*i Volcanoes National Park''.

(b) HALEAKALA NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86–744 (74 Stat. 881) is amended by striking ''Haleakala National Park'' and inserting ''Haleakala National Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Haleakala National Park'' shall be considered a reference to ''Haleakala National Park''.

(c) KALOKO-HONOKOHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking ''KALOKO-HONOKOHAU'' and inserting ''KALOKO-HONOKOHAU''; and

(B) by striking ''Kaloko-Honokohau'' each place it appears and inserting ''Kaloko-Honokohau''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Kaloko-Honokohau National Historical Park'' shall be considered a reference to ''Kaloko-Honokohau National Historical Park''.

(d) PU*`*UHONUA O HONAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The **[**first section of the**]** Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking ''Puuhonua o Honaunau National Historical **[**Park**]**'' *Park'' each place it appears* and inserting ''Pu*`*uhonua o Honaunau National Historical Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Puuhonua o Honaunau National Historical Park shall be considered a reference to ''Pu`uhonua o Honaunau National Historical Park''.

(e) PU`UKOHOLA HEIAU NATIONAL [HISTORICAL SITE] *HISTORIC SITE*.—

(1) IN GENERAL.—Public Law 92–388 (86 Stat. 562) is amended by striking ''Puukohola Heiau National [Historical Site] *Historic Site*'' each place it appears and inserting ''Pu`ukohola Heiau National [Historical Site] *Historic Site*''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Puukohola Heiau National Historic Site'' shall be considered a reference to ''Pu`ukohola Heiau National [Historical Site] *Historic Site*''.

SEC. 3. CONFORMING AMENDMENTS.

[Section] *(a) Section* 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3489) is amended by striking ''Hawaii Volcanoes'' each place it appears and inserting ''Hawai`i Volcanoes''.

(b) The first section of Public Law 94–567 (90 Stat. 2692) is amended in subsection (e) by striking ''Haleakala'' each place it appears and inserting ''Haleakala''.

Mr. STEVENS. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

AMENDMENT NO. 4367

(Purpose: To add provisions authorizing the Secretary of the Interior to conduct a theme study on the Peopling of America, and to provide further protections for the watershed of the Little Sandy River in Oregon)

Mr. STEVENS. Mr. President, Senator MURKOWSKI has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. MURKOWSKI, for himself and Mr. BINGAMAN, proposes an amendment numbered 4367.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The amendment (No. 4367) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 939), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

CALIFORNIA TRAIL INTERPRETIVE ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 2749, to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2749) entitled ''An Act to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

TITLE I—CALIFORNIA TRAIL INTERPRETIVE CENTER

SEC. 101. SHORT TITLE.

This title may be cited as the ''California Trail Interpretive Act''.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the nineteenth-century westward movement in the United States over the California National Historic Trail, which occurred from 1840 until the completion of the transcontinental railroad in 1869, was an important cultural and historical event in—

(A) the development of the western land of the United States; and

(B) the prevention of colonization of the west coast by Russia and the British Empire;

(2) the movement over the California Trail was completed by over 300,000 settlers, many of whom left records or stories of their journeys; and

(3) additional recognition and interpretation of the movement over the California Trail is appropriate in light of—

(A) the national scope of nineteenth-century westward movement in the United States; and

(B) the strong interest expressed by people of the United States in understanding their history and heritage.

(b) PURPOSES.—The purposes of this title are—

(1) to recognize the California Trail, including the Hastings Cutoff and the trail of the ill-fated Donner-Reed Party, for its national, historical, and cultural significance; and

(2) to provide the public with an interpretive facility devoted to the vital role of trails in the West in the development of the United States.

SEC. 103. DEFINITIONS.

In this title:

(1) CALIFORNIA TRAIL.—The term ''California Trail'' means the California National Historic Trail, established under section 5(a)(18) of the National Trails System Act (16 U.S.C. 1244(a)(18)).

(2) CENTER.—The term ''Center'' means the California Trail Interpretive Center established under section 104(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) STATE.—The term ''State'' means the State of Nevada.

SEC. 104. CALIFORNIA TRAIL INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary may establish an interpretation center to be known as the ''California Trail Interpretive Center'', near the city of Elko, Nevada.

(2) PURPOSE.—The Center shall be established for the purpose of interpreting the history of development and use of the California Trail in the settling of the West.

(b) MASTER PLAN STUDY.—To carry out subsection (a), the Secretary shall—

(1) consider the findings of the master plan study for the California Trail Interpretive Center in Elko, Nevada, as authorized by page 15 of Senate Report 106–99; and

(2) initiate a plan for the development of the Center that includes—

(A) a detailed description of the design of the Center;

(B) a description of the site on which the Center is to be located;

(C) a description of the method and estimated cost of acquisition of the site on which the Center is to be located;

(D) the estimated cost of construction of the Center;

(E) the cost of operation and maintenance of the Center; and

(F) a description of the manner and extent to which non-Federal entities shall participate in the acquisition and construction of the Center.

(c) IMPLEMENTATION.—To carry out subsection (a), the Secretary may—

(1) acquire land and interests in land for the construction of the Center by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange;

(2) provide for local review of and input concerning the development and operation of the Center by the Advisory Board for the National Historic California Emigrant Trails Interpretive Center of the city of Elko, Nevada;

(3) periodically prepare a budget and funding request that allows a Federal agency to carry out the maintenance and operation of the Center;

(4) enter into a cooperative agreement with—

(A) the State, to provide assistance in—

(i) removal of snow from roads;

(ii) rescue, firefighting, and law enforcement services; and

(iii) coordination of activities of nearby law enforcement and firefighting departments or agencies; and

(B) a Federal, State, or local agency to develop or operate facilities and services to carry out this title; and

(5) notwithstanding any other provision of law, accept donations of funds, property, or services from an individual, foundation, corporation, or public entity to provide a service or facility that is consistent with this title, as determined by the Secretary, including 1-time contributions for the Center (to be payable during construction funding periods for the Center after the date of enactment of this Act) from—

(A) the State, in the amount of $3,000,000;

(B) Elko County, Nevada, in the amount of $1,000,000; and

(C) the city of Elko, Nevada, in the amount of $2,000,000.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $12,000,000.

TITLE II—CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES

SEC. 201. SHORT TITLE.

This title may be cited as the ''Education Land Grant Act''.

SEC. 202. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon written application, the Secretary of Agriculture may convey National Forest System lands to a public school district for use for educational purposes if the Secretary determines that—

(1) the public school district seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System;

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use;

(5) the land is to be used for an established or proposed project that is described in detail in the application to the Secretary, and the conveyance would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such land in Federal ownership;

(6) the applicant is financially and otherwise capable of implementing the proposed project;

(7) the land to be conveyed has been identified for disposal in an applicable land and resource management plan under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(8) an opportunity for public participation in a disposal under this section has been provided, including at least one public hearing or meeting, to provide for public comments.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—(1) A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral or water rights.

(2) If necessary, the exact acreage and legal description of the real property conveyed under this title shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If, at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, title to the lands shall revert to the United States.

TITLE III—GOLDEN SPIKE/CROSSROADS OF THE WEST NATIONAL HERITAGE AREA STUDY AREA AND THE CROSSROADS OF THE WEST HISTORIC DISTRICT

SEC. 301. AUTHORIZATION OF STUDY.

(a) DEFINITIONS.—For the purposes of this section:

(1) GOLDEN SPIKE RAIL STUDY.—The term ''Golden Spike Rail Study'' means the Golden Spike Rail Feasibility Study, Reconnaissance Survey, Ogden, Utah to Golden Spike National Historic Site'', National Park Service, 1993.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STUDY AREA.—The term ''Study Area'' means the Golden Spike/Crossroads of the West National Heritage Area Study Area, the boundaries of which are described in subsection (d).

(b) IN GENERAL.—The Secretary shall conduct a study of the Study Area which includes analysis and documentation necessary to determine whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities;

(2) reflects traditions, customs, beliefs, and folk-life that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who have demonstrated support for the concept of a National Heritage Area; and

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a National Heritage Area consistent with continued local and State economic activity.

(c) CONSULTATION.—In conducting the study, the Secretary shall—

(1) consult with the State Historic Preservation Officer, State Historical Society, and other appropriate organizations; and

(2) use previously completed materials, including the Golden Spike Rail Study.

(d) BOUNDARIES OF STUDY AREA.—The Study Area shall be comprised of sites relating to completion of the first transcontinental railroad in the State of Utah, concentrating on those areas identified on the map included in the Golden Spike Rail Study.

(e) REPORT.—Not later than 3 fiscal years after funds are first made available to carry out this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings and conclusions of the study and recommendations based upon those findings and conclusions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this section.

SEC. 302. CROSSROADS OF THE WEST HISTORIC DISTRICT.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands and edifices of the Crossroads of the West Historic District; and

(2) to enhance cultural and compatible economic redevelopment within the District.

(b) DEFINITIONS.—For the purposes of this section:

(1) DISTRICT.—The term ''District'' means the Crossroads of the West Historic District established by subsection (c).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) HISTORIC INFRASTRUCTURE.—The term ''historic infrastructure'' means the District's historic buildings and any other structure that the Secretary determines to be eligible for listing on the National Register of Historic Places.

(c) CROSSROADS OF THE WEST HISTORIC DISTRICT.—

(1) ESTABLISHMENT.—There is established the Crossroads of the West Historic District in the city of Ogden, Utah.

(2) BOUNDARIES.—The boundaries of the District shall be the boundaries depicted on the map entitled ''Crossroads of the West Historic District'', numbered OGGO-20,000, and dated March 22, 2000. The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(d) DEVELOPMENT PLAN.—The Secretary may make grants and enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District;

(2) implementation of projects approved by the Secretary under the development plan described in paragraph (1); and

(3) an analysis assessing measures that could be taken to encourage economic development and revitalization within the District in a manner consistent with the District's historic character.

(e) RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.—

(1) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities owning property within the District under which the Secretary may—

(A) pay not more than 50 percent of the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District;

(B) provide technical assistance with respect to the preservation and interpretation of properties within the District; and

(C) mark and provide interpretation of properties within the District.

(2) NON-FEDERAL CONTRIBUTIONS.—When determining the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District for the purposes of paragraph (1)(A), the Secretary may consider any donation of property, services, or goods from a non-Federal source as a contribution of funds from a non-Federal source.

(3) PROVISIONS.—A cooperative agreement under paragraph (1) shall provide that—

(A) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(B) no change or alteration may be made in the property except with the agreement of the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(C) any construction grant made under this section shall be subject to an agreement that provides—

(I) that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section shall result in a right of the United States to compensation from the beneficiary of the grant; and

(II) for a schedule for such compensation based on the level of Federal investment and the anticipated useful life of the project.

(4) APPLICATIONS.—

(A) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under paragraph (1) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the management plan developed for the District.

(B) CONSIDERATION.—In making such funds available under this subsection, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than $1,000,000 for any fiscal year and not more than $5,000,000 total.

Amend the title so as to read ''An Act to establish the California Trail Interpretive

Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States, and for other purposes.''.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE FOREST SERVICE TO CONVEY CERTAIN LANDS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4656, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4656) to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and, finally, any statements relating to either of these measures be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4656) was read the third time and passed.

JAMESTOWN 400TH COMMEMORATION COMMISSION ACT OF 2000

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4907, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4907) to establish the Jamestown 400th Commemoration Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4907) was read the third time and passed.

LOWER RIO GRANDE VALLEY RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2000

Mr. STEVENS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1761).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1761) entitled ''An Act to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau of Reclamation.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner.

(3) STATE.—The term ''State'' means the Texas Water Development Board and any other authorized entity of the State of Texas.

(4) PROGRAM AREA.—The term ''program area'' means—

(A) the counties in the State of Texas in the Rio Grande Regional Water Planning Area known as Region ''M'' as designated by the Texas Water Development Board; and

(B) the counties of Hudspeth and El Paso, Texas.

SEC. 3. LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) IN GENERAL.—The Secretary, acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto, shall undertake a program in cooperation with the State, water users in the program area, and other non-Federal entities, to investigate and identify opportunities to improve the supply of water for the program area as provided in this Act. The program shall include the review of studies or planning reports (or both) prepared by any competent engineering entity for projects designed to conserve and transport raw water in the program area. As part of the program, the Secretary shall evaluate alternatives in the program area that could be used to improve water supplies, including the following:

(1) Lining irrigation canals.

(2) Increasing the use of pipelines, flow control structures, meters, and associated appurtenances of water supply facilities.

(b) PROGRAM DEVELOPMENT.—Within 6 months after the date of the enactment of this Act, the Secretary, in consultation with the State, shall develop and publish criteria to determine which projects would qualify and have the highest priority for financing under this Act. Such criteria shall address, at a minimum—

(1) how the project relates to the near- and long-term water demands and supplies in the study area, including how the project would affect the need for development of new or expanded water supplies;

(2) the relative amount of water (acre feet) to be conserved pursuant to the project;

(3) whether the project would provide operational efficiency improvements or achieve water, energy, or economic savings (or any combination of the foregoing) at a rate of acre feet of water or kilowatt energy saved per dollar expended on the construction of the project; and

(4) if the project proponents have met the requirements specified in subsection (c).

(c) PROJECT REQUIREMENTS.—A project sponsor seeking Federal funding under this program shall—

(1) provide a report, prepared by the Bureau of Reclamation or prepared by any competent engineering entity and reviewed by the Bureau of Reclamation, that includes, among other matters—

(A) the total estimated project cost;

(B) an analysis showing how the project would reduce, postpone, or eliminate development of new or expanded water supplies;

(C) a description of conservation measures to be taken pursuant to the project plans;

(D) the near- and long-term water demands and supplies in the study area; and

(E) engineering plans and designs that demonstrate that the project would provide operational efficiency improvements or achieve water, energy, or economic savings (or any combination of the foregoing) at a rate of acre feet of water or kilowatt energy saved per dollar expended on the construction of the project;

(2) provide a project plan, including a general map showing the location of the proposed physical features, conceptual engineering drawings of structures, and general standards for design; and

(3) sign a cost-sharing agreement with the Secretary that commits the non-Federal project sponsor to funding its proportionate share of the project's construction costs on an annual basis.

(d) FINANCIAL CAPABILITY.—Before providing funding for a project to the non-Federal project sponsor, the Secretary shall determine that the non-Federal project sponsor is financially capable of funding the project's non-Federal share of the project's costs.

(e) REVIEW PERIOD.—Within 1 year after the date a project is submitted to the Secretary for approval, the Secretary, subject to the availability of appropriations, shall determine whether the project meets the criteria established pursuant to this section.

(f) REPORT PREPARATION; REIMBURSEMENT.—Project sponsors may choose to contract with the Secretary to prepare the reports required under this section. All costs associated with the preparation of the reports by the Secretary shall be 50 percent reimbursable by the non-Federal sponsor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000.

SEC. 4. LOWER RIO GRANDE CONSTRUCTION AUTHORIZATION.

(a) PROJECT IMPLEMENTATION.—If the Secretary determines that any of the following projects meet the review criteria and project requirements, as set forth in section 3, the Secretary may conduct or participate in funding engineering work, infrastructure construction, and improvements for the purpose of conserving and transporting raw water through that project:

(1) In the Hidalgo County, Texas Irrigation District #1, a pipeline project identified in the Melden & Hunt, Inc. engineering study dated July 6, 2000 as the Curry Main Pipeline Project.

(2) In the Cameron County, Texas La Feria Irrigation District #3, a distribution system improvement project identified by the 1993 engineering study by Sigler, Winston, Greenwood and Associates, Inc.

(3) In the Cameron County, Texas Irrigation District #2 canal rehabilitation and pumping plant replacement as identified as Job Number 48-05540-002 in a report by Turner Collie & Braden, Inc. dated August 12, 1998.

(4) In the Harlingen Irrigation District Cameron #1 Irrigation District a project of meter installation and canal lining as identified in a proposal submitted to the Texas Water Development Board dated April 28, 2000.

(b) CONSTRUCTION COST SHARE.—The non-Federal share of the costs of any construction carried out under, or with assistance provided under, this section shall be 50 percent. Not more than 40 percent of the costs of such an activity may be paid by the State. The remainder of the non-Federal share may include in-kind contributions of goods and services, and funds previously spent on feasibility and engineering studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME ZONE FOR GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of H.R. 3756 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3756) to establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes.

There being objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R 3756) was read the third time and passed.

AMENDMENT TO TITLE 5, UNITED STATES CODE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate turn to the consideration of H.R. 207, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 207) to amend title 5, United States Code, to provide that physicians comparability allowances pay for retirement purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 207) was read the third time and passed.

COMMEMORATING THE LIFE OF GWENDOLYN BROOKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 393 introduced earlier today by Senator DURBIN and Senator FITZGERALD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 393) commemorating the life of Gwendolyn Brooks of Chicago, Illinois, poet laureate of Illinois since 1968.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table with no intervening action, and that any statements relating thereto be printed in the RECORD

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 393) was agreed to.

The preamble was agreed to.

The resolution with its preamble reads as follows:

S. RES. 393

Whereas Gwendolyn Brooks was born in Topeka, Kansas, on June 7, 1917, and moved one month thereafter to the South Side of Chicago;

Whereas Gwendolyn Brooks was educated in the Chicago public school system, graduating from Englewood High School in 1934;

Whereas Gwendolyn Brooks was the author of over twenty works of poetry spanning 46 years;

Whereas Gwendolyn Brooks in 1950 became the first African-American woman to win the Pulitzer Prize for poetry with her publication, Annie Allen;

Whereas Gwendolyn Brooks was showered with numerous other accolades as a poet and artist, including a lifetime achievement award from the National Endowment for the Arts;

Whereas Gwendolyn Brooks has been poet laureate of Illinois since 1968, succeeding the late Carl Sandburg;

Whereas Gwendolyn Brooks leveraged her prestige as Illinois poet laureate to inspire young writers, establishing the Illinois Poet Laureate Awards in 1969 to encourage elementary and high school students to write;

Whereas Gwendolyn Brooks taught future poets and writers at the University of Wisconsin-Madison, the City College of New York, Columbia College of Chicago, Northeastern Illinois University, Elmhurst College, and Chicago State University; Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life of Gwendolyn Brooks and celebrates the accomplishments she made not just to the State of Illinois, but to the entire United States of America as a poet and artist; and

(2) extends its deepest sympathies to her daughter Nora and son Henry.

UNANIMOUS CONSENT AGREEMENT—H.R. 3549

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 3549 regarding the repeal of the modification of the installment method, the bill be read the third time and passed, and the motion to reconsider be laid upon the table. I further ask consent that the above occur with no intervening action or debate, and I further ask consent this agreement be vitiated if the text is different than that which is now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the appointment that is at the desk appear separately in the RECORD as if made by the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–291, announces the appointment of the following individuals to the Advisory Committee on Forest Counties Payments: Tim Creal, of South Dakota; Doug Robertson, of Oregon.

AUTHORIZATION TO SIGN DULY ENROLLED BILLS AND RESOLUTIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the majority leader or Senator ABRAHAM be authorized to sign all duly enrolled bills and resolutions following the sine die adjournment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO MAKE APPOINTMENTS

Mr. STEVENS. I ask unanimous consent that notwithstanding the sine die adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Mr. REID. Reserving the right to object, I have waited around this afternoon, this evening, to have an opportunity to direct a few comments to the Senator from Alaska. I say to my friend from Alaska, I remember about a year ago at this time the Senator from Alaska gave me as a token of recognition a Tasmanian devil tie.

Now, coming from Senator STEVENS, who has such a record in the Senate, that meant a lot to me. In celebration of our ending the session today, I wore this tie. I say this because in all sincerity it meant a lot to me when Senator STEVENS gave me this tie. You have been a role model for me since I came to Washington almost 20 years ago. You have a record that is unsurpassed for doing good things for your State as well as being an effective leader. I have served with the Senator from Alaska my entire time in the Senate on the Appropriations Committee, and I have admired the work done. I respected the tenacity shown, often for the people of the State of Alaska and other causes for which he believes.

I wish to publicly state how appreciative I am of this token, this honor the Senator gave me.

Mr. STEVENS. I am overwhelmed by that statement and my good friend. I noticed the Tasmanian devil tie. I enjoy those ties, and I hope the Senator enjoys his. I certainly enjoy our association.

I served as whip for 8 years. I know the distinguished Senator from Nevada

has the same job I had. I was the minority whip for a while and the majority whip for a while; he has, too, served in the capacity. We have a great deal in common, and I am delighted to have him as a friend.

The PRESIDING OFFICER. Is there objection to the previous request made by the Senator from Alaska?

Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—S. 3283

Mr. STEVENS. I understand that S. 3283 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3283) to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes.

Mr. STEVENS. Mr. President, on behalf of the leader, I now ask for its second reading, and I object to that.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

THANKING MARSHALL DOVE

Mr. STEVENS. I think we are getting down to the end. Today is not only the last day of the 106th Congress, but it is also the last day of Marshall Dove, who served in the Senate on the Republican Cloakroom staff.

She has been here, now, for close to 3 years and will now change careers. I have asked for this opportunity to wish her the best in all the new challenges she may face. We thank her for her dedication and service in the Senate.

UNANIMOUS CONSENT AGREEMENT—S. 2924

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives the message from the House on S. 2924 the Senate proceed to its immediate consideration and agree to the amendment of the House providing that language is identical to the language I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate concurred in the amendment of the House, as follows:

Resolved, That the bill from the Senate (S. 2924) entitled ''An Act to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet False Identification Prevention Act of 2000''.

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identification documents (as defined in section 1028(d)(3) of title 18, United States Code, as added by section 3(2) of this Act) is vigorously investigated and prosecuted.

(b) MEMBERSHIP.—The coordinating committee shall consist of the Director of the United States Secret Service, the Director of the Federal Bureau of Investigation, the Attorney General, the Commissioner of Social Security, and the Commissioner of Immigration and Naturalization, or their respective designees.

(c) TERM.—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) REPORT.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the activities of the committee.

(2) CONTENTS.—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions;

(E) specification of the sentence imposed as a result of each guilty plea and conviction; and

(F) recommendations, if any, for legislative changes that could facilitate more effective investigation and prosecution of the creation and distribution of false identification documents.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (c)(3)(A), by inserting '', including the transfer of a document by electronic means'' after ''commerce''; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting ''template, computer file, computer disc,'' after ''impression,'';

(B) in paragraph (5), by striking ''and'' after the semicolon;

(C) by redesignating paragraph (6) as paragraph (8);

(D) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(E) by inserting after paragraph (2) the following:

''(3) the term 'false identification document' means a document of a type intended or commonly accepted for the purposes of identification of individuals that—

''(A) is not issued by or under the authority of a governmental entity; and

''(B) appears to be issued by or under the authority of the United States Government, a State, a political subdivision of a State, a foreign government, a political subdivision of a foreign government, or an international governmental or quasi-governmental organization;''; and

(F) by inserting after paragraph (6), as redesignated, the following:

''(7) the term 'transfer' includes selecting an identification document, false identification document, or document-making implement and placing or directing the placement of such identification document, false identification document, or document-making implement on an online location where it is available to others; and''.

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, and the item relating to that section in the table of contents for chapter 83 of that title, are repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

Ms. COLLINS. Mr. President, I am pleased that the Senate will today give final approval to legislation I introduced to curb the availability of false identification via the Internet.

Let me thank my many colleagues in both the House and Senate for their hard work in moving this measure quickly through the legislative process. In particular, I appreciate the support and assistance of Chairman HENRY HYDE of the House Judiciary Committee, as well as the work of Congressman HOWARD COBLE, Congressman HOWARD BERMAN, Congressman JOHN CONYERS, and Congressman BILL MCCOLLUM. In addition to their efforts, I want to praise the strong support of Congressman MARK GREEN, who introduced a similar bill in the House. Enactment of this bill would not have been possible without the consistent support of the chairman of the Judiciary Committee, Senator HATCH, as well as the assistance of Senators KYL, LEAHY, FEINSTEIN, and DURBIN.

The bill before the Senate today will make important improvements in our laws against the distribution and use of false identification. As I found during a lengthy investigation of the availability of false identification on the Internet, our current laws have done little to stop a growing Internet market in every imaginable type of false identification. Whether via e-mail or from a Web site with a name such as thefakeidshop.com, everything from birth certificates, to Social Security cards, to driver's licenses, are being sold or traded through the ease of cyberspace.

Testimony before the Subcommittee on Investigations demonstrated that the availability of false identification documents from the Internet is a growing problem. Special Agent David Myers, Identification Fraud Coordinator of the State of Florida's Division of Alcoholic Beverages and Tobacco, testified that two years ago only one percent of false identification documents came from the Internet. Last year, he testified, a little less than five percent came from the Internet. Now he estimates that about 30 percent of the false identification documents he seizes comes from the Internet. He predicts that by next year his unit will find at least 60 to 70 percent of the false identification documents they seize will come from the Internet.

S. 2924 will put a stop to this widespread distribution of false identification, which can be used to commit identity theft, to facilitate serious financial crimes, and to facilitate the underage purchase of alcohol and tobacco. The new law will make clear that it is a crime to transfer false identification documents by electronic

means, and that those documents can be in the form of computer files, discs, or templates.

I expect strong action by law enforcement agencies to enforce both the existing provisions of title 18, section 1028, and the expanded authority provided by this legislation. The intent of S. 2924 is simple and clear—to stop those who use the Internet to sell, distribute, or make available false identification.

I am pleased that the new law will make it a crime to place false identification, regardless of its format, on an on-line location. Thus, the posting of such tools as scanned false identification documents or templates of state driver's licenses on Web sites will, without doubt, be illegal.

Mr. President, I am pleased that the House retained the provisions that will establish a coordinating committee to concentrate resources of federal agencies on investigating and prosecuting the creation of false identification. This multi-agency effort should draw on the resources of several agencies to investigate and prosecute those who engage in the production and transfer of false identification of any type. I urge the Attorney General and the Secretary of the Treasury to involve all agencies that can assist in curbing the use of false identification.

The House also approved another important portion of the Senate bill—the elimination of a section of law that unfortunately allowed criminals to manufacture, distribute, or sell counterfeit identification documents by using easily removable disclaimers as part of an attempt to shield the illegal conduct from prosecution through a bogus claim of ''novelty.'' No longer will it be acceptable to provide computer templates of government-issued identification containing an easily removable layer saying that it is not a government document.

I thank my colleagues for their support of this important legislation.

COMPUTER CRIME ENFORCEMENT ACT

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 2816.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2816) to establish a grant program to permit State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

There being no objection, the Senate proceeded to consider the bill.

H.R. 2816, THE COMPUTER CRIME ENFORCEMENT ACT

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing the Computer Crime Enforcement Act, which is now headed to President Clinton for his signature into law. I introduced the Senate version of this bill, S. 1314, on July 1, 1999, with Senator DEWINE and is now also co-sponsored by Senators ROBB, HATCH and ABRAHAM. This legislation also passed the Senate as part of H.R. 46, the Public Safety Officer Medal of Valor Act. I thank my colleagues for their hard work on the Computer Crime Enforcement Act, especially Representative MATT SALMON, the House sponsor.

The information age is filled with unlimited potential for good, but it also creates a variety of new challenges for law enforcement. A recent survey by the FBI and the Computer Security Institute found that 62 percent of information security professionals reported computer security breaches in the past year. These breaches in computer security resulted in financial losses of more than $120 million from fraud, theft of information, sabotage, computer viruses, and stolen laptops. Computer crime has become a multi-billion dollar problem.

The Computer Crime Enforcement Act is intended to help states and local agencies in fighting computer crime. All 50 states have now enacted tough computer crime control laws. They establish a firm groundwork for electronic commerce, an increasingly important sector of the nation's economy.

Unfortunately, too many state and local law enforcement agencies are struggling to afford the high cost of enforcing their state computer crime statutes.

Earlier this year, I released a survey on computer crime in Vermont. My office surveyed 54 law enforcement agencies in Vermont—43 police departments and 11 State's attorney offices—on their experience investigating and prosecuting computer crimes. The survey found that more than half of these Vermont law enforcement agencies encounter computer crime, with many police departments and state's attorney offices handling 2 to 5 computer crimes per month.

Despite this documented need, far too many law enforcement agencies in Vermont cannot afford the cost of policing against computer crimes. Indeed, my survey found that 98 percent of the responding Vermont law enforcement agencies do not have funds dedicated for use in computer crime enforcement. My survey also found that few law enforcement officers in Vermont are properly trained in investigating computer crimes and analyzing cyber-evidence.

According to my survey, 83 percent of responding law enforcement agencies in Vermont do not employ officers properly trained in computer crime investigative techniques. Moreover, my survey found that 52 percent of the law enforcement agencies that handle one or more computer crimes per month cited their lack of training as a problem encountered during investigations. Without the necessary education, training and technical support, our law enforcement officers are and will continue to be hamstrung in their efforts to crack down on computer crimes.

I crafted the Computer Crime Enforcement Act, S. 1314, to address this problem. The bill would authorize a $25 million Department of Justice grant program to help states prevent and prosecute computer crime. Grants under our bipartisan bill may be used to provide education, training, and enforcement programs for local law enforcement officers and prosecutors in the rapidly growing field of computer criminal justice. Our legislation has been endorsed by the Information Technology Association of America and the Fraternal Order of Police. This is an important bipartisan effort to provide our state and local partners in crime-fighting with the resources they need to address computer crime.

Mr. STEVENS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2816) was read the third time and passed.

THANKING OUR CREATOR

Mr. STEVENS. Mr. President, I want to publicly state I think we ought to thank our Creator for giving us the opportunity to serve in this body, and to have a period of time like we have just come through, where I have been able to speak for people of different nationalities, different tongues, who have come to our country and sought freedom and an opportunity to work for themselves, so that they will now be able to continue that work. It really is, to me, a very significant day. To be able to accomplish this is very much a humbling experience.

ADJOURNMENT SINE DIE

Mr. STEVENS. I now ask unanimous consent the Senate stand in adjournment sine die under the provisions of H. Con. Res. 446.

There being no objection, at 8:03 p.m., the Senate adjourned sine die.

NOMINATIONS

Executive nominations received by the Senate December 15, 2000:

DEPARTMENT OF AGRICULTURE

ISLAM A. SIDDIQUI, OF CALIFORNIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS, VICE MICHAEL V. DUNN.

ENVIRONMENTAL PROTECTION AGENCY

EDWIN A. LEVINE, OF FLORIDA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE DAVID GARDINER, RESIGNED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SARAH MCCRACKEN FOX, OF NEW YORK, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005, VICE STUART E. WEISBERG, TERM EXPIRED.

DEPARTMENT OF JUSTICE

JULIE E. SAMUELS, OF VIRGINIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE, VICE JEREMY TRAVIS, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate December 15, 2000:

MORRIS K. UDALL SCHOLARSHIP & EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

ERIC D. EBERHARD, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP & EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002.

UNITED STATES INSTITUTE OF PEACE

BARBARA W. SNELLING, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001.

MARC E. LELAND, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003.

HARRIET M. ZIMMERMAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003.

HOLLY J. BURKHALTER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

DONALD J. SUTHERLAND, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 2002.

DEPARTMENT OF COMMERCE

ARTHUR C. CAMPBELL, OF TENNESSEE, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT.

APPALACHIAN REGIONAL COMMISSION

ELLA WONG-RUSINKO, OF VIRGINIA, TO BE ALTERNATE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION.

DEPARTMENT OF STATE

RICHARD A. BOUCHER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (PUBLIC AFFAIRS).

DEPARTMENT OF THE TREASURY

LISA GAYLE ROSS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY. RUTH MARTHA THOMAS, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

JONATHAN TALISMAN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

AGENCY FOR INTERNATIONAL DEVELOPMENT

EVERETT L. MOSLEY, OF VIRGINIA, TO BE INSPECTOR GENERAL, AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF LABOR

GORDON S. HEDDELL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARK D. GEARAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF TWO YEARS.

NATIONAL SCIENCE FOUNDATION

MARK S. WRIGHTON, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006.

DEPARTMENT OF LABOR

LESLIE BETH KRAMERICH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

UNITED STATES INSTITUTE OF PEACE

SEYMOUR MARTIN LIPSET, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003.

DEPARTMENT OF STATE

LUIS J. LAUREDO, OF FLORIDA, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR.

RUST MACPHERSON DEMING, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

RONALD D. GODARD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

MICHAEL J. SENKO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI.

HOWARD FRANKLIN JETER, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

LAWRENCE GEORGE ROSSIN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

BRIAN DEAN CURRAN, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

AGENCY FOR INTERNATIONAL DEVELOPMENT

BARRY EDWARD CARTER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

INTERNATIONAL MONETARY FUND

MARGRETHE LUNDSAGER, OF VIRGINIA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS.

DEPARTMENT OF THE TREASURY

LISA GAYLE ROSS, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY.

AFRICAN DEVELOPMENT FOUNDATION

CLAUDE A. ALLEN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2005.

WILLIE GRACE CAMPBELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2005.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

MICHAEL PRESCOTT GOLDWATER, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2005.

DEPARTMENT OF COMMERCE

ROBERT S. LARUSSA, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE. MARJORY E. SEARING, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

FEDERAL DEPOSIT INSURANCE CORPORATION

JOHN M. REICH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

FREDERICK G. SLABACH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005.

UNITED STATES INSTITUTE OF PEACE

BETTY F. BUMPERS, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001.

BETTY F. BUMPERS, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

BARBARA W. SNELLING, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

HOLLY J. BURKHALTER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

MORA L. MCLEAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001.

MORA L. MCLEAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

MARIA OTERO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003.

DEPARTMENT OF JUSTICE

RANDOLPH D. MOSS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

DAVID W. OGDEN, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

DANIEL MARCUS, OF MARYLAND, TO BE ASSOCIATE ATTORNEY GENERAL.

GLENN A. FINE, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE.

LORETTA E. LYNCH, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING AVIS T. BOHLEN, AND ENDING MARK YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2000.

FOREIGN SERVICE NOMINATIONS BEGINNING JOHN F. ALOIA, AND ENDING PAUL G. CHURCHILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 2000.

FOREIGN SERVICE NOMINATIONS BEGINNING GUY EDGAR OLSON, AND ENDING DEBORAH ANNE BOLTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

FOREIGN SERVICE NOMINATIONS BEGINNING JAMES A. HRADSKY, AND ENDING MICHAEL J. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on December 15, 2000, withdrawing from further Senate consideration the following nominations:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

STUART E. WEISBERG, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005, WHICH WAS SENT TO THE SENATE ON FEBRUARY 3, 2000.

STUART E. WEISBERG, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005, WHICH WAS SENT TO THE SENATE ON MAY 11, 2000.